

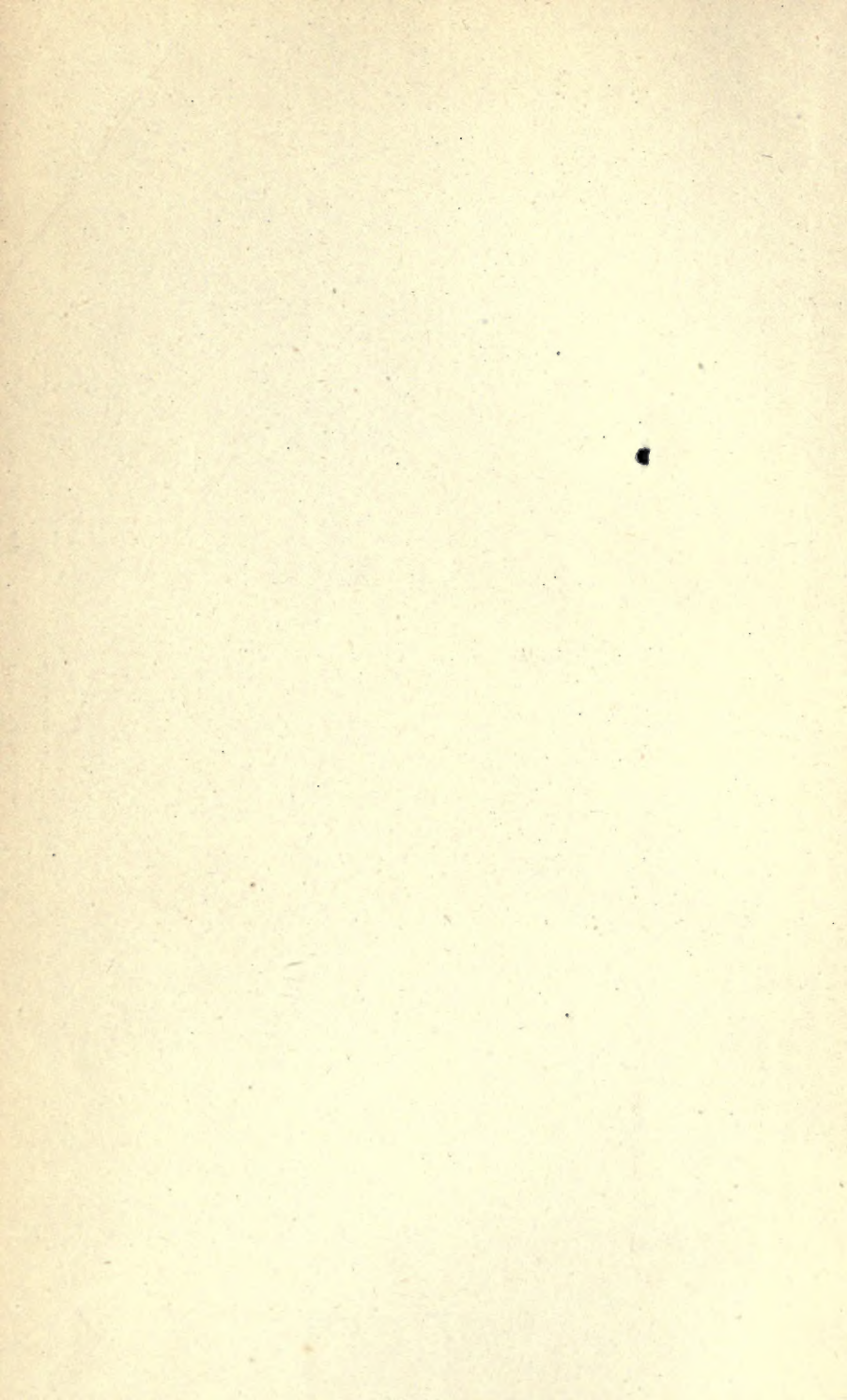




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# HISTORY OF NEW ZEALAND.

VOL. III.





HISTORY  
OF  
NEW ZEALAND.

BY  
G. W. RUSDEN.

*IN THREE VOLUMES.*

VOLUME III.

London:  
CHAPMAN AND HALL, LIMITED.  
MELBOURNE AND SYDNEY: GEORGE ROBERTSON.  
1883.

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HISTORY

NEW ENGLAND

Bungay:

CLAY AND TAYLOR, PRINTERS.

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# NEW ZEALAND.

## CHAPTER XVII.

### DONALD McLEAN AND THE MAORIS.

MR. McLEAN, meanwhile, was tempering to the Maoris the loss of their lands by urging them in a circular letter to become rich by cultivating flax. A few sentences will show how the Gael accommodated his phrase to the Maori. "Pleiades is high in the heavens, the warm season has arrived, and the thoughtful man considers it time to grow food to enable him to live, and to extend hospitality to strangers, lest he be as the thoughtless one who when seasons of scarcity arrive is in a very helpless condition. In former days all kinds of food used by the Maoris,—kumara, taro, and other things were largely cultivated; at present their cultivation has decreased. I therefore think that you should again be attentive lest they disappear utterly; and that the word of the proverb ought to be fulfilled which says, 'The fame of a man brave in war is uncertain, but the fame of a man diligent or brave in tilling the ground will always last.'" He offered prizes for production of flax. "I know that you, the Maoris, are ignorant of the prices, &c., in England; therefore I think that if you will again turn your attention to these industries, you will obtain the benefit of prosperity." The Maoris could not but reflect that former Governments had destroyed their plantations and burned their dwellings.

The burly Scotchman was not easily stirred from his policy of peace. A surveyor, Mr. Todd, was reported to have been shot near Pirongia, in Waikato, by a Hau Hau, who took refuge at once in the king's territory. McLean determined to treat the murder as an agrarian rather than a political outrage. It was anomalous that no writ could run within Tawhiao's territory: but a broken

pledge to that potentate would entail many more murders, and much misery. The king's pale recognized by the Government could not be infringed. If the Hau Hau who committed the murder had hoped to embroil the races afresh, he was disappointed. Even when a chief on the Thames river barred the electric telegraph, and stopped the conveyance of the mail between Auckland and Tauranga, McLean pursued his policy of peace in spite of discontented settlers. It was condemned as dilatory by some fiery spirits. In March, 1871, 167 residents in Waikato petitioned the Governor. They asked him to establish a rival pale to that of the Maori king, under penalty of death to any Maori who might cross it. By this bold and firm policy, they said, peace would be secured. Mr. McLean was not to be diverted into a path which led to blood.

Sir G. Bowen made his first tour through the Middle Islands early in 1871. In terms more than usually graphic he expatiated in despatches upon the grandeur of Mount Cook, and the fiords on the west. At Otago, Christchurch, Hokitika, he was received with enthusiasm, and everywhere responded to addresses in glowing language of compliments to the inhabitants. When he returned to Auckland he was confronted by the old difficulty of retaining Imperial sympathy without a symbol of Imperial strength in the colony. H.M.S. 'Virago' was ordered to England in March, and until the 'Rosario' could arrive in New Zealand in May no man-of-war could be placed there by Commodore Stirling, who was in H.M.S. 'Clio' at Sydney. Instantly the New Zealand Ministry was in arms. It declared that it was "very perilous" to withdraw the 'Virago.' Mr. Fox telegraphed to the Governor, that "the removal of the land forces, and the manner in which it was done, and Lord Granville's celebrated despatch, tried the loyalty of the colony very severely, and I consider it my duty to state, in the plainest possible manner, that should the colony arrive at the conclusion that the Imperial Government intends to withdraw the countenance afforded by the presence of a naval force, small as it already is, it will be very difficult for many of the best affected to retain those feelings of attachment to the parent country which have hitherto been so strongly felt and warmly expressed." The elections for the Assembly had by this time terminated favourably to the Fox Ministry, and the Governor was again between forces tugging

him in different directions. Whether Mr. Fox included himself amongst "the best affected," after the "coasting welcome with which he had unclasped the tables of his thoughts" to a foreign Consul, it might be hard to tell. But it was clear that many of the well-affected would be the "spoils of opportunity," and would follow the chariot of the Minister. On the day on which Sir George Bowen received Mr. Fox's telegram, he telegraphed to the commander of the 'Virago': "I request you to postpone the departure. I take the responsibility on myself. I will write to the Commodore." Mr. McLean separately urged the necessity of retaining a ship of war. "An imaginative and acute race like the Maori, was," he said, "quick in seizing upon any points of apparent neglect towards New Zealand on the part of the Imperial Government." They would think that England needed her ships to protect herself against some European power during the Franco-Germanic war. The commander of the 'Virago' agreed to remain in New Zealand till relieved by arrival of another vessel, and copies of the correspondence were sent to England. The Earl of Kimberley in due time told the Governor that, having regard to the refusal of the Maori king to surrender the murderers of Mr. Todd, and other circumstances, the detention of the 'Virago' was justified, but he could not avoid expressing regret at the tone and language of Mr. Fox's telegram, which, that gentleman would on reflection see, was ill-calculated to improve and strengthen the friendly relations between the Imperial and Colonial Governments, which it was the earnest desire of Her Majesty's Government to maintain. The Earl had indeed in recent correspondence shown his readiness to retain ships of war in New Zealand, and was able to refer to it as a rebuke to Mr. Fox's intemperance. It is fair to add that on receiving Earl Kimberley's comments, Mr. Fox regretted the use of the expressions criticized, and assured the Earl that nothing could be further from his intentions than to disturb the friendly relations between the Imperial and Colonial Governments. A singular turn of fortune, about this time brought Mr. Fox into antagonism with his old opponent, Mr. Weld, who became Governor of Western Australia in 1869; the only colony in the Southern Seas to which English prisoners had recently been transported, and which had then ceased to receive them.



Both Maoris and colonists had protested against Earl Grey's proposition to send convicts to New Zealand, and they had never been sent by the Government, although, amongst the troops of gold-seekers, quondam convicts had found their way thither. When in order to rid itself of some of the refuse of the convict system in Tasmania, the Government granted pardons enabling criminals, who had not undergone the whole term of sentence, to migrate to other colonies, South Australia, Victoria, and New Zealand at various times passed Acts to keep out convicts. The New Zealand Act was passed in 1867. To the horror of Mr. Fox, eight convicts holding conditional pardons (*i.e.* pardons with a condition prohibiting their return to England) arrived at Port Lyttelton in May, 1871. Four of them were Fenians, and the New Zealand Government had already been troubled at the gold-fields by Fenian disturbers. Mr. Fox and many others were indignant with Mr. Weld for subjecting New Zealand to the pests thus cast upon her. There was commotion amongst Ministers and in despatches. Four ordinary holders of conditional pardons were sentenced in the resident magistrate's Court to be deported to the colony from whence they came. The Fenians were released on bail, on their undertaking to leave New Zealand. Mr. Gisborne, the Colonial Secretary, in an angry letter demanded from Western Australia the cost, £150, of sending back the four convicts, but after a few days' reflection shrunk back. It was discovered that the Local Act of New Zealand gave no power to hold in custody the arrested convicts when the vessel containing them should reach waters outside the jurisdiction of the colony, and a claim could hardly be urged for payment by one colony to another for the doing of an illegal act. The convicts undertook to depart to New South Wales. Mr. Fox's remonstrance on the whole subject was transmitted to the Secretary of State. Earl Kimberley in due time assuaged the wrath of Mr. Fox and his friends by directing that the holders of conditional pardons should be barred in future from resorting to any Australian colony, and that a breach of the condition should entail forfeiture of the pardon.

The amicable relations which Earl Kimberley established fired the soul of the special envoy, Mr. Vogel. He scorned the lower rung of the ladder of promotion. Presuming on his position as a loan negotiator, accredited to the commercial



capital of the world, he demanded to be made a knight, without passing through preliminary gradations. Even in New Zealand his associates were startled at this audacity, and declared that to grant the request of so recent an interloper in New Zealand affairs would arouse a storm of indignation. Men would feel that older colonists who had borne the burden and heat of the day ought first to be honoured. Eventually, but by gradations, the New Zealand envoy obtained the coveted honour. It is fair to mention that he had never joined in disaffected movements, and had advocated a large view of the advantages which Imperial connection might confer upon colonies, and on this ground his private claims were urged upon the Colonial Office. It was true that his view was not a high one. He valued the connection with the mother-country because the colony might borrow money more easily there than elsewhere. But the Manchester school was in high repute in England, and their principles were not very different from his. His success in carrying his financial schemes in the New Zealand Assembly commended him to moneyed men in England. His reception by moneyed men in England impressed the colonists with his importance. His colleagues put off the meeting of their Parliament in order that he might be present to expound his views.

When the relative strength of armed men under the hunted Te Kooti and the quiescent Titokowaru as compared with the Europeans and allied Maoris is considered, it might seem difficult to imagine that the helpless condition of the colonists had driven such men as Mr. Fox to countenance, and Mr. Sewell and others to advocate, that separation from England which all men deemed it Earl Granville's desire to procure. After Te Kooti had been brought to bay at Mahaetari—his prisoners being recaptured, his forces annihilated, and his "mana" swept away—he merely slunk from hole to hole to escape seizure by Ropata's Ngatiporou bands. Titokowaru was absolutely at peace, and it was not deemed necessary to take any measures against him. Yet when Mr. Fox emitted a spark of disaffection in April, 1871, on the proposed removal of H.M.S. 'Virago,' there were enrolled in New Zealand, 4263 militia; 6568 volunteers; 723 armed constabulary; 4000 armed Maoris;—total, 15,554. Of this large force less than 3000 were (volunteers) enrolled in the Middle Island. Nothing but the suddenness of Te Kooti's

raids can explain the terror which his name inspired, and the loud wail with which, in speeches, despatches, and letters, the hard fate of the colonists was sighed to the Colonial Office. In addition to the Maoris formally enrolled there were others eager for the fray. Old Waka Nene, full of years, erect in stature, but undimmed in mind, passed away in the faith of the Christian, with his last words enjoining peace between the English and his tribe—the powerful Ngapuhi. Borne to his grave by some of the principal English colonists, the pall-bearers being his brother chiefs and English officials, the funeral obsequies were, by his own desire, not those of Maori fame of old, but conducted according to the liturgy of the Church of England. His death was deemed worthy of special notice in the Governor's speech to the Parliament, and both Houses concurred in lamenting the death of the great chief, whom the Legislative Council termed the unswerving friend of the colonists and the constant supporter of the authority of the Queen. His children had preceded him, and the silver goblet which the Queen had sent to him he bequeathed as an heirloom in the family of a niece married to an Englishman. In the churchyard at Kororarika<sup>1</sup> the traveller may still see the following public memorial :

In Memory of  
TAMATI WAKA NENE,

CHIEF OF NGAPUHI,

THE FIRST TO WELCOME THE QUEEN'S SOVEREIGNTY IN NEW ZEALAND,

A CONSISTENT SUPPORTER OF THE PAKEHA,

This Stone is Erected

BY THE

GOVERNMENT OF THE COLONY

WHICH FOR UPWARDS OF THIRTY-ONE YEARS

HE FAITHFULLY UPHELD ;

SAGE IN COUNSEL, RENOWNED IN WAR,

HE DIED REGRETTED BY ALL THE INHABITANTS OF THESE ISLANDS,

AT RUSSELL,

ON THE 4TH AUGUST, 1871.

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<sup>1</sup> The settlement at Kororarika has been called Russell in modern time officially, but as the old name is generally used in conversation it is to be hoped that the *norma loquendi* will eventually prevail.

Waka Nene's character as described in these pages is confirmed by the epitaph prepared by the Government in honour of the veteran chief who more than fifty years before his death had accompanied Rauparaha in his campaign to Cook's Strait.

The hereditary lust for battle was not extinct in his tribe, and when the old man was removed, some of the fiery spirits desired to display their prowess. They demanded from the counsellors of King Tawhiao the surrender of the murderers of Mr. Todd, and they would have made refusal a ground for war. But, though the English and allied forces could have been made overwhelming, McLean was too wise if not too kindly to yield to such demands. His policy was accepted by all. The Governor encouraged it. The Assembly raised no questions about it. Those who had thirsted for revenge against Titokowaru and Te Kooti sullenly consented to leave things alone, trusting to the decimation of their enemies by disease and death with the frightful rapidity which the musket and civilization had ensured. Two meetings were held by the Maoris: one at Parihaka on the west coast, where Te Whiti was rising into repute as a prophet; the other at the Maori king's residence, Te Kuiti. To both, Europeans and their Maori friends were invited, and Te Wheoro, who had laboured to procure a meeting between the Duke of Edinburgh and Tawhiao in 1869, was treated with marked respect at Te Kuiti. His offer to mediate was received with favour by Rewi. Major Mair was present and the Maori king no longer held aloof, but mingled freely with his guests, as had been the custom before the rape of the Waitara in 1860.

When the Assembly met, Mr. Fox made more pronounced his past antagonism to Sir David Monro, who retired from the Speakership, himself proposing his successor, Mr. Dillon Bell. Sir David Monro had been Speaker from 1861 to 1866, and again from 1866 until, at the close of the session in 1870, he announced his intended retirement. He expected that Mr. Fox would then "invite the House to take the steps which are dictated by custom and courtesy." Mr. Fox did nothing, and the Speaker "was allowed to leave without a single word of thanks or any acknowledgment" of his services. Mr. Fox retorted that it was not usual for a Ministry to recommend that their active opponents should be offered seats in the Legislative



Council, and he did not doubt that Sir David Monro was opposed to the Government policy. Sir David, irritated at the discourtesy shown, was elected to the House of Representatives, and proposed the new Speaker before he was himself unseated on petition. Then the Representatives, feeling compunction for their late presiding genius, adopted an Address to the Queen, on the motion of Mr. Fox, seconded by Mr. Stafford, praying that some mark of favour might be shown to Sir David Monro, and Sir George Bowen was requested to intimate that the intention of the House would be met if a seat in the Legislative Council should be offered to Sir David Monro. Though Mr. Fox had moved the Address to comply with public courtesies, he had reasons for thwarting its immediate fulfilment. An official memorandum by the Colonial Secretary, Mr. Gisborne, declared that though the Government moved the Address, "they would not on any account recommend that Sir David Monro should be placed in the Legislative Council during the then session."<sup>1</sup> There was apprehension of a difference between the Houses in the course of the session, and it was thought politic to keep so notable a man as Sir David Monro out of an arena in which he might damage the position of the Ministry.

The dispute between the Houses threatened to arrest public business. Mr. Vogel carried through the Lower House, though not without opposition, a Payments to Provinces Bill, modifying certain provisions in the cognate Act of the previous year. The Council demurred to a clause which tended, under colour of repayment to the provinces of former outlay on public works, to endow provincial treasuries with additional funds. To divert a large sum authorized under a Loan Act in one year for specific purposes, to different purposes, was a violation of the spirit of the Act of 1870. The Council expunged the clause. The Representatives impugned their right so to interfere with clauses relating to appropriation of money. The Council claimed a right to exercise its own judgment whether the clause violated the faith pledged by the Parliament. Each House gave reasons for insisting on its position. Conferences were held. Mr. Sewell, who had recently retired from the Fox Ministry, held a seat in the Council, and with Major Richmond, and Mr.

<sup>1</sup> N. Z. P. P. 1872; A. No. 1, p. 20.



Seymour, was appointed to prepare the reasons of the Council. Mr. Fox, Mr. Vogel, and Mr. Stafford performed a like office for the Assembly. Towards the close of the dispute Mr. Sewell openly voted with the majority in the Council, while his late colleagues in the Lower House were active on the other side. It was easy to get rid of a colleague, even if he should be unwilling to go, but it was impossible to pass a measure against which there was a majority in the Council. Finally, the Council resolved that while insisting on its constitutional right to make the disputed amendments, it would abstain from exercising that right if the other House would engage—1. To amend the Bill by restricting its operation to the financial year. 2. To refer the point in dispute to the law officers of the Crown in England, upon a case to be prepared by managers appointed by each House. Subject to these conditions, the Council would, on being made acquainted with the names of the managers appointed by the Representatives, cease to insist upon its amendments. These terms were agreed to; the limitation clause was passed, and the Speaker of the Council (J. L. C. Richardson), with Mr. Sewell and Mr. Mantell on the part of the Council; the Speaker, Mr. Brandon, and Mr. Fox, on the part of the Representatives, agreed upon a case which a few months afterwards was transmitted to England by the Governor. The law officers, Sir J. D. Coleridge and Sir G. Jessel, were categorically asked—Whether the Council was constitutionally justified in striking out the disputed clause, and whether the claims put forward by the Representatives were well founded, or what were the proper limitations of them? It was contended on the part of the Council that a Privileges Act of 1865, which gave equal privileges to members of each House, had conferred on the Council a power to deal with Money Bills in detail. It was retorted that if such a power had been acquired, it ought to be taken away. The law officers in England held that the Council was not constitutionally justified in its amendments, and that the claims of the Representatives were well founded,<sup>1</sup> "...subject of course to the limitation that the Legislative Council have a perfect right to reject any Bill passed by the House of Representatives having for its object to vary the management or appropriation

<sup>1</sup> Proceedings of Legislative Council. New Zealand, 1872, Appendix 3.

of money prescribed by an Act of the previous session." As in 1870 so in 1871 there were many conferences on Bills. In most cases it may be inferred from the yielding of the Representatives that they had been in the wrong; for men are loth to admit their error even when they see it. A difference on an amending Immigration and Public Works Bill was only solved after a free conference the day before the close of the session. In that case the Representatives adopted the advice of the conference. Certain amendments were made in the manner recommended by the Council, and the Lower House abandoned its disagreement on all questions not specially dealt with by the conference.

The Government controlled by Mr. Vogel was evidently not omnipotent in the Legislative Council, and Mr. Fox's reluctance to place Sir David Monro there was not unnatural. Mr. Sewell did not shrink from displaying his contempt for the dictatorial Treasurer, and had broken off his connection with the Ministry before the session closed. His parting with Mr. Fox was friendly, but he would not submit to Mr. Vogel's dictation. A proposition to replace in the provincial treasuries funds already dedicated to railway purposes by the provinces, and to charge the cost of the railways to the General Government, was one which he refused to propose to the Legislative Council. He would rather resign office. Mr. Fox could not dispense with Mr. Vogel's services in the House, and Mr. Sewell resigned. Mr. Waterhouse without a portfolio undertook to represent the Government in the Council. He resigned his position at the end of the session. Hard words were uttered in both Houses. Mr. Stafford could not control his anger against Mr. Vogel, whose help he had himself used in the expulsion of the Weld Ministry, but to whom he had not given office, and who had crept into place under the wings of Fox and McLean, when in turn Mr. Stafford was expelled. Mr. Vogel's mission to England formed the staple of much discussion. In America he had come to an understanding with the contractors for conveyance of a mail service by California, and his friends in that service assisted him in negotiations for the remission of duties on New Zealand wool and flax imported to the United States. In England he was urgent at the Colonial Office. The retention of ships of

war in New Zealand; postal arrangements; the negotiation of loans; the defences of the colony from outward aggression; contracts for construction of railways; emigration from Great Britain and the continent—formed subjects of his attention. He reported that from Earl Kimberley and Mr. Herbert he received most kindly aid. He associated himself with Mr. Julyan (one of the Crown Agents for the Colonies) in negotiating the loan on the Stock Exchange at 5 per cent., and raised £1,200,000 at a rate of £95 16s. 9d. Contractors were found who undertook the construction of railways to an extent, in total cost, of £4,000,000. The contractors were guaranteed interest for their outlay, and the Government was to have power to purchase the lines when made. Two forms of agreement were signed in England to enable the Colonial Government to exercise an option. Under one of them it was proposed to give the contractors three-quarters of an acre of land for every pound sterling expended by them in constructing railways and providing plant. When submitted to the Assembly certain modifications were recommended, failing which one of Mr. Vogel's agreements was to be sanctioned.

Though not present at the opening of the Assembly on the 14th August, Mr. Vogel took his seat on the 22nd, and made his financial statement on the 12th September. The revenue had fallen off. The receipts were less by £83,000 than in the previous year. The invitation to the provinces to co-operate with the General Government in promoting immigration having produced no fruit, the Government proposed to take away from the provinces all control in the matter. This policy was not repelled by the House, and Mr. Stafford's efforts throughout the session left him in considerable minorities. New Zealand seemed to have put her affairs into the hands of an agent, who having contracted her debts was to be allowed time to show whither they would lead her. Attempts were made to abolish the gold export duty, *i.e.* the trifling royalty collected at the Custom House on the treasures taken from the earth by every comer and goer. By large majorities the proposition was rejected on two occasions. The new Representatives resolved that the next session of Parliament ought to be held at Dunedin. The resolution bore no fruit. The Council, by a majority of three-fourths,



declared that it was essential that the General Assembly should be held at the seat of Government.

The revenue was supplemented in 1871 by increased customs and stamp duties. Contractors were on the way to the colony to carry out the works for which loans had been raised, and when the session was concluded additions were made to the Ministry. Mr. Ormond became Minister for Public Works, and was to reside in the Northern Island; Mr. Reeves became Resident Minister for the Middle Island. Mr. Vogel was looked upon as a kind of dictator, and to avoid inconvenient responsibility he generally travelled during vacations to England or to the neighbouring colonies, but always upon an errand which imposed upon New Zealand the cost of the journey. A terrible shock, felt poignantly throughout the southern hemisphere, gave occasion to fervent addresses to the Queen. John Coleridge Patteson, Bishop of Melanesia, who ever modestly declared that he sat at the feet of Bishop Selwyn the founder of his bishopric, was one of those rare mortals who seem vouchsafed to the world to show that humanity, not altogether vainly, may strive to follow the precepts of the Divine Master. Able, but veiling all consciousness of talent under the simplicity of earnestness; yearning after his dark pupils as veritably and indeed carven in the image of God, and calling in their weakness for help from their more fortunate brothers; gentle, yet bold; considerate of others' fears and prejudices, yet daringly committing himself to the surf and landing defenceless, save by his heroic bearing, amongst the wondering armed islanders who were accustomed to see the scoundrels of the Pacific loaded with weapons which they mercilessly abused, the young Bishop had won the affection and admiration of all who had seen or heard of him. He falsified the adage that no man can be a hero in the eyes of his valet; and proved in so doing how much higher is the type of the Christian than that of the man of the world.

There had sprung up an abomination under the name of labour traffic among the islands of the Pacific. The natives were nominally hired. In most cases it was ascertained that the terms of the so-called hiring were not understood by the hired. Three months was their idea when three years were in the bond. But fraudulent contracts were not the only weapons resorted to. By



artifice or force natives were kidnapped when they were unwilling to go with the robbers of men. When crowds of islanders gathered round a vessel heavy weights were dropped upon canoes to crush them, and the natives on rising to the surface were picked up, or sometimes shot in brutal sport if they seemed able to swim to the distant shore. On the sea, terror was the rule—murder the means to enforce it. Seventy lives were sacrificed by indiscriminate firing into the densely-crowded hold of a vessel in which the islanders were packed. The dead and even the wounded were cast into the sea when the white savages proceeded to put their vessel in order. One rascal simulated the appearance of the Bishop by walking on the deck clad in Bishop's garb. The islanders thus inveigled were seized, and their countrymen were enraged. At Nukapu, an island of the Swallow group, near Santa Cruz, the Bishop and two companions, one of them a native missionary, were slain in revenge,—and never perhaps was there a more willing martyr. He had earnestly besought the Government to place some restraint upon the traffic whose atrocities incarnadined the seas. He knew, and others dreaded, that in consequence of it wherever he went his life was in his hand. Both Houses in New Zealand declared that there was reason to believe that his death was owing to an infamous traffic which was a reproach and scandal to the British name. Both Houses implored the Queen to take some steps to redress the wrongs of the Islanders and redeem the character of her subjects.

The addresses were graciously received, and a Bill was at once laid before Parliament to check the horrors which, under a smooth name and sometimes under the flag of England, vied with the black deeds of the slave-trade. The Admiralty was set in motion, and Commodore Stirling was instructed to be vigorous in repressing "the abominable traffic" which had grown up. A vessel of war was requisite at New Zealand and another at Cape York; but the other four vessels under the Commodore might be employed in the Pacific, and he was empowered to build some small craft to aid them. The cry of outraged humanity had reached the throne. The law enacted was useful, but the one thing needful, though pressed upon the official mind, was not accorded. If every vessel proved to contain

a South Sea Islander, placed there without his or her consent, had been by that fact confiscate, the labour of the Commodore would have been light, and the traffic in mankind would have been stayed. It was urged upon the Colonial Office that there could be no nobler task than to obtain the aid of the United States, of France, and of other nations in crushing the nefarious trade in which rascals of all countries were engaged. Mutual permission of search in the Pacific would speedily clear the seas of the ruffians. But a proposition so plain and straightforward did not commend itself to diplomatic minds.

New Zealand laboured in troubled waters as to the relation of Provincial and General Governments. Mr. Macandrew proposed that the Middle Island should lose its separate subdivisions, and be compacted under one Provincial Legislature, with which, except on federal subjects, the General Government should have no power to interfere; and the debate was adjourned more than once. He was finally defeated by 41 votes against 22. A larger relative majority threw out a proposition made subsequently by Mr. Murray, who wished to secure for newly-arranged provinces (two in the North, and three in the Middle Island) larger control of all revenues raised within them, and to limit their contributions to the General Government to a few items, the amount being proportioned to the number of Representatives sent by each province to the General Parliament. The question remained to harass future Parliaments. Mr. McLean carried a Bill to found road-boards in native districts. The Native Lands Court was the subject of deep consideration, and Sir William Martin was consulted, but no legislation was arrived at during the session. The Maori members were not idle. In August, Hori Kerei Taiaroa carried a resolution that there should be a council of native chiefs for the Middle Island, charged to devise means for the better administration of lands, whether held by Maoris under Crown grants or not, and of their property generally; the measures recommended being submitted to the General Assembly for final approval. Mr. Donald McLean supported Taiaroa's proposal. In October, the same chief carried, by 41 votes against 15, a resolution—That all Bills or parts of Bills specially referring to the native race be translated into the Maori language before discussion, and referred to the Committee

on Native Affairs. One member, Mr. Reynolds, said that the motion pandered too much to the Maori members. It ought not to have been required, inasmuch as the boon had been promised and resolved upon in previous years, and had been earnestly insisted upon by Mr. Mantell in the Legislative Council. The members of the Government and Mr. Stafford voted with Taiaroa. Karaitiana Takamoana raised a larger question. On his motion it was resolved that it was desirable that the native race should be represented in the other branch of the Legislature. He moved further—that a Maori should be appointed a member of the Executive Council to advise with the Minister for Native Affairs; that the Maori Representation Act should be amended, and the number of Maori members “increased to twelve, giving three Maori Representatives to each of the present Maori electoral districts; and that Europeans as well as Maoris should have the privilege of voting at election of Maori members of the House of Representatives.” The propositions were rejected without a division. Katene, stimulated by the success of his colleagues, carried a resolution that “the Government be requested to send down to this House a measure by which a Runanga will be granted to the districts of the Bay of Islands and Mongonui; the object of such Board to be the promotion of public works, education, the carrying out of law and order, &c., &c.” Nor was the success of the Maori orators due to contemptuous pity. The Governor reported to England that he had been assured by Mr. Fox that undoubtedly the best speeches of the session were those of the Maori members. Amidst the members of English Universities with which the New Zealand Parliament was sprinkled, the native intellect, by the confession of the leader of the House (himself an Oxford graduate), asserted intellectual equality, although four members only represented their race. Mr. Sewell declared that the Maori members contrasted favourably with many whom the colonists were pleased to call the superior race. Mr. McLean was in favour of the proposition to give to the Maoris a voice in the Legislative Council. Karaitiana Takamoana’s motion was carried on the 15th September. On the 29th, Mr. Mantell moved in the Council that it was desirable that the Council should be informed of the views of the Government on the subject, but after



discussion the motion was withdrawn. Not only by Mr. Mantell and Mr. Sewell kindly feelings were expressed in debate in the Council. Colonel Russell did not scruple to say that the peace negotiated with the Maori king was due to the Maori members, through whom the first communications with the king-party had been made.

The new Maori members in the Representative House were the theme of universal praise in both Chambers.<sup>1</sup> It was thought that the Maoris had become alive to the importance of selecting the fittest to represent them, whereas in former years they had been apathetic. And yet the choice of former years had, according to Colonel Russell, produced peaceful relations with the Maori king. He even said that he would offer a seat to Rewi the Ngatimaniapoto. "By such action we should be completing the work which Mr. McLean has so nearly effected, namely, the doing away with all jealousy between the king-party and the other sections of the Maori race and ourselves, and bringing about what would henceforth become a close union." The path was open for the Government. They could clearly comply with Karaitiana Takamoana's motion without offending a majority in the Council. In the prorogation speech the Governor said that the high intelligence of the Maori members, and the judicious manner in which they exercised their functions, fully justified the recommendation of the Representatives, and that he would consult his advisers as to the best means of giving it effect. A Bill to amend and consolidate the laws relating to the Native Land Court passed the Legislative Council, and was sent to the other House on the 20th October. There it was not even read a second time; yet the subject had been earnestly considered by

<sup>1</sup> The published reports contracted the Maori speeches within narrow dimensions. Katene's views on parliamentary government are thus stated: "All parties act in the same way. They always have objections to the Government in power. I know very well what they mean by that. I am only deficient in this respect. I cannot hear all that goes on, and am not able to speak in the European language. All that the Opposition want to do is to oppose the Government in power, in order to take their places upon those benches. I do not think that a proper course for the General Assembly of New Zealand to pursue. . . . It is not right that the desire for the emoluments of office should be the cause of upsetting a good policy which is for the benefit of the whole colony." Sober truth seems almost like the satire placed by Swift in the mouth of the king of Brobdingnab.

Donald McLean and his colleagues. The Native Lands Act of 1865 had been amended in 1867, in 1868, and in 1869, but yet there were causes for discontent. The certificates issued were deceptive. The original Act of 1865 required that the native owners should be ascertained, but a proviso that "no certificate should be ordered to more than ten persons" was alleged to have deprived of their rights large numbers of proprietors. The definition of the estates or interests of the natives was left so vague, in the form of grant prescribed by the amending Act of 1869, that litigation, if not absolute warfare, would be engendered. Moreover, a single native could call upon the Court to deal with a claim to land which nine out of ten of his tribe were unwilling to sell. They could not take refuge in apathy. They had to risk loss of land, or accept the burthen of litigation in a Court whose fees were complained of as excessive.

Karaitiana Takamoana, of Hawke's Bay, visited Auckland in January, 1870, to lay the grievances of the Maoris before Donald McLean. It was found that he had detected faults which had escaped notice. In 1870, McLean consulted many persons, and amongst them was Sir William Martin, who drew up in January, 1871, a careful statement of the amendments required. McLean requested Sir W. Martin to draft the necessary clauses, and the work enlarged under his hand until, in July, 1871, a draft Bill was prepared, which elicited from Mr. McLean the "best thanks of the Government for the arduous labour" undertaken. A separate Bill dealt with the native reserves, the income from which Sir W. Martin considered it proper to administer through the Native Department, and not in connection with the Land Court. Mr. Fenton, the Chief Judge of the Land Court, did not agree with all Sir W. Martin's proposals. It will be remembered that he had in a former year carried through the Legislative Council a Bill which was lost in the other House. His assistant Judges now furnished reports, which, with his own comments, were forwarded to the Government. A strange light is thrown upon the atmosphere of New Zealand life by two passages in these reports. The Pakeha Maori, Mr. Maning, said: "I think it right to state my opinion that the time has not yet arrived in which we can assure ourselves that the soil of the Northern Island will pass permanently into the hands of the British



people, or that the British race will be to a certainty the only ruling power in this country." Mr. Fenton, the Chief Judge, declared: "I believe with Mr. Maning that the final struggle between the races has yet to come."

Colonel Haultain furnished an exhaustive report upon the whole question. From the date of surrender by the Crown, in 1865, of its exclusive powers as to sale of land, to the end of 1870, the Land Court had heard 3489 applications for investigation of title in the North Island. Certificates or Crown grants had been issued in 2619 cases for an area exceeding 2,400,000 acres. "The natives are almost universally opposed to the employment of English counsel in contested cases. They say that these know nothing of Maori law and custom, and only protract the sittings and increase the expenses. If one side employs them the other must do the same; but they would like to see them altogether excluded from practising in the Court." So wrote Colonel Haultain. Another of his opinions sheds a baleful light. "The Maoris have always been loth to part with their fertile land, and it is chiefly by confiscation that we have obtained any large tracts of really good land." Many chiefs wrote earnestly to Colonel Haultain. Te Wheoro said it would be better if "lawyers' agents and interpreters were disallowed in the Land Courts, as they make so many expenses. The money goes and so does the land. Behold! there is the survey—one; the Court—two; the lawyers—three; the interpreters—four; the Crown grant—five; and the giving of the land to the other side. The burden of this is great. Nothing could be objected if it was only the Court and its interpreter." Weary of the bar, he urged that a Maori Runanga should settle all land disputes, and that the magistrates in their different districts should carry out the decisions of the Runanga. An Arawa (an assessor in the Native Land Court) argued that the Acts relating to native lands should be translated. "I have never seen a translation of the Acts of 1865, though I have been in the Chief Judge's Office for three years. I myself paid for printing, at the Bishop's press, some portions of the Acts. The natives would gladly read the Acts if they could get them, and there are intelligent men amongst them, well able to explain the Acts to others." The Maoris highly prized the digest of criminal

law prepared by Sir William Martin, and a summary of the Land Acts should be translated for their behoof. He also would banish lawyers. "It was to be expected that they would prolong cases in order to get more fees."

In the General Assembly (November, 1871), Parata declared that much dissatisfaction existed with regard to adjudication by the Land Court in cases where there had not been actual survey. The Maoris had been informed that the plan ought to be deposited with the Court before the case could be tried. How then stood the matter? Was there a law passed by the House, and kept back from the Maoris? Mr. McLean pointed out that there was a clause in the Act of 1865 authorizing new trials without survey. He confessed that in a matter affecting tribal rights the natives ought to have been made acquainted with the law in their own language, and that they had been left unacquainted. His confession was in itself a condemnation of the acts of his predecessors.

Though the Government expressed their gratitude to Sir William Martin they did not adopt his Draft Bill. Mr. Fenton drew another which they preferred. Mr. Sewell introduced it, and took occasion to speak of Mr. Mantell thus: "I say now what I have always said, that if there is one person to whom the colony is more deeply indebted than to another for having brought about a better state of things between the two races through the working of the Native Land Court, that person is Mr. Mantell."<sup>1</sup> On one point, Sir W. Martin, Judge Fenton, and Mr. Sewell agreed; viz. that in order to prevent the sanctioned mischief created by facilities given to an individual to bring his tribe into litigation without their consent, it was essential to provide that there should be a thorough investigation before any title could be brought under the operation of the Court. Mr. Waterhouse, Colonel Russell, and others discussed the Bill at great length; Colonel Russell warmly advocating the provisions of Sir W. Martin's draft. After

<sup>1</sup> Mr. Sewell averred that the Bill framed by Mantell and his colleagues in the Fox ministry in 1862, was (although not passed) the "foundation of the Native Land Court Bills;" that it was revived in Domett and Bell's Act of 1862, which was inoperative until, "on the return of Mr. Mantell to the administration of Native affairs in 1864, it was galvanized into life. . . . In 1864 he gave life to the Native Land Court, which up to that time had been practically dead."

the second reading, the Government measure was referred to a Select Committee, from which it emerged in a shape which procured for it a third reading without debate. But the Representatives were busy about other matters, and would not discuss the Bill. The Committee on Native Affairs, to which Tairaroa's resolution referred all clauses relating to the Maoris, was appointed on the motion of Mr. Wakefield. There were 14 members, including Mr. McLean, and the four Maori chiefs. Five formed a quorum, and they were empowered to send for persons or papers. Petitions from Maoris who thought themselves aggrieved were referred to and reported on by them. The appointment of such a Committee was more calculated to bring about good relations than the presence of the much-coveted regiment. Ere long the old chief, Te Rangitake, gave convincing proof of his trust in that policy which Donald McLean directed, and in which Maori chiefs had a voice. He had accepted the proffered peace in his retirement in the forests at the rear of Mount Egmont in 1864, but held aloof from the English. He refused to countenance Titokowaru, but he would not associate with those who had robbed him of his Waitara land, destroyed his property, and murdered (as he thought) his people. When Donald McLean became a Minister in 1869, he lost no time in apprising Te Rangitake that land at Waitara should be reserved for his use, but he was too distrustful or too proud to return to it. Early in 1872, his scruples were overcome. McLean was at Taranaki when Te Rangitake, after twelve years of estrangement, mingled again with Europeans. With four hundred followers he marched in orderly manner to Taranaki. The guests were welcomed at the Native Office, where a repast was prepared for them. European inhabitants crowded to see the warrior whom some remembered, and all knew by repute. The children were allowed to enter the room in which he sat, and a bystander reported: "The old chief seemed to enjoy the *levée*, for as each batch of children came in, he laughed with delight as he took their tiny hands in his, and kindly shook them." Mr. McLean pointed out the Maori significance of the speech, that when a chief trod in friendliness the path lately pursued by war-parties, hostility was past, and even the thought of revenge for the dead was put away. During the stay of Te Rangitake



in Taranaki the conduct of the visitor was all that could be desired, and Mr. McLean reported that the resumption of amicable relations was hailed as a happy augury for future and lasting peace. Thus did Te Rangitake, denounced by the Governor's advisers in 1860 as "an essential savage," and robbed of his land, return in 1872 with the warm approbation of another adviser. In the very theatre of his suffering the children of his persecutors came round him with affection, and by the "touch of nature which makes the whole world kin," as by the wand of a magician, the strifes and envyings of the past were allayed—for a time. There were none to carp at the reconciliation, for all men knew that in the past Te Rangitake ever spared the weak and made no war except against the proud.

The emerging of Titokowaru from his forest haunts occurred about the same time. Mr. McLean let him know that he would not be molested if he would be peaceful, and with about 30 followers he returned to the neighbourhood of Patea, the scene of his successes against Colonels McDonell and Whitmore, and of his discomfiture by Rangihwinui and the men of Wanganui. There was less satisfaction at his implied pardon, but not much was said about it. The wily Te Kooti was informed of these proofs that the policy of peace was generally adopted, and the day of his influence was over. He could no longer hope to revive disaffection. Ropata te Wahawaha's myrmidons were scouring the mountain fastnesses in which he lurked, and the passes from the Uriwera territory to Waikato were guarded by numerous bands. Nevertheless he eluded them, and in June, 1872, it was reported, that "in spite of the various parties watching for him," he passed with less than a score of companions to the sanctuary which Rewi had stipulated for, and Donald McLean agreed to, at Te Kuiti in 1869. The Government was sorely vexed at the escape of the marauder, whom it had hoped to bring like Kereopa to the gallows, but did not commit a breach of the peace made with the Maori king. On the whole everything seemed prosperous. There was a large debt to be paid in future: but thoughts of payment are put off like thoughts of death. Moreover, in the case of a State, not the borrower but a successor pays. The first mixes the potion which the last must drink.



To carry out the public works authorized by legislation, immigration was actively promoted. Dr. Featherston, the Agent-General, was instructed to send out, in 1872, 8000 adults. He had arranged in 1871 for the deportation of 6000 Germans and Scandinavians. Moreover, the railway contractors were to procure labourers, and the agent was to provide passages for them to an extent, including wives and families, of 5000 persons. There was in London an Emigrant and Colonists' Aid Corporation, of which the Duke of Manchester was chairman. An agent visited New Zealand and purchased for the Corporation more than 100,000 acres of land in the Manawatu district, undertaking to land not less than 2000 statute adults in the island within a limited period. Some Norwegian immigrants were placed, on their arrival, at Palmerston on the Manawatu river. Twenty acres were reserved for each family for two years with a right of purchase. On purchase of them within 12 months 20 other acres were similarly reserved for purchase, so that in a short time each family might become possessed of 40 acres at the rate of £1 an acre. The immigrants were also to receive employment from the Government in making a tram-road. Swedes and Danes followed the Norwegians, and an official report<sup>1</sup> stated that "their fears of their future neighbours were much lessened" by a present of potatoes and kind speeches from a Maori chief. Tidings of the illness of the Prince of Wales reached the colony early in 1872, and the general joy at his recovery gave occasion to the Governor to report that the loyal sympathy displayed by Englishmen and Maoris could not be surpassed in any portion of the empire. Prayers and thanksgivings were offered in the churches. At a crowded theatre the audience rose as one man and sang together 'God save the Queen' and 'God bless the Prince of Wales,' on the day when the recovery was announced. It was now known that in the colony as in England a few disloyal busy-bodies had put forward their own ideas as those of the public, and had been believed by that large mass of mankind which is incapable of weighing evidence. The 'Times' newspaper, which had deplored the manifest decay of loyalty in England, was startled by the outburst of national grief at the illness of the heir to the throne.

<sup>1</sup> N. Z. P. P. 1871; D. 3, A. p. 21.

Its highest morality had been to study signs and to prophesy the immediate future. It had egregiously erred. It avenged itself by declaring, not that it had erred, but that "the community was astonished at its own profound emotion." It professed to believe that Englishmen had been disloyal rather than the 'Times' mistaken. If men could appease their consciences by casting imputations on others, the world would cheaply become moral. A day of public thanksgiving was appointed in New Zealand. Services were held in all the churches on the 9th May, and the whole people responded to the proclamation by the Government.

When the Assembly met in July, Mr. Fox in one House and a Minister in the other moved loyal addresses of congratulation which were unanimously adopted. After a tour through the province of Marlborough, Sir George Bowen started on an expedition to Lake Taupo—the abode of Poihipi Tukeraingi, the chief who guarded Mr. Meade on his journey, and who once stood almost alone in that central spot to resist the tenets of the Hau Haus. He met the Governor with oriental welcome at Tapuae-haruru ("resounding footsteps"), where hollow reverberations warn the traveller how thin is the crust which separates him from the subterranean fires which rage continually from Whakaari to Tongariro. He told how great had been the troubles of the loyal. . . . "Still a few of us were ever true to the Queen; and, like the Horomatangi (sea-god) that dwelt of yore in Lake Taupo, and swallowed the evil monsters of the deep, we have now destroyed our enemies; but our joy in welcoming you at Taupo recompenses us for past troubles." . . . The Governor told him that he deserved the title of Horomatangi for his good deeds, and that the Queen would ever maintain inviolate the treaty of Waitangi which Poihipi had signed. The Hau Hau flag had disappeared in the district, and the Union Jack of England met the eye. Hundreds of men once active or aidant in rebellion were at work to subdue the land by making roads, and Topia Turoa, the companion of Rangihwinui in his march from Wanganui, was one of the band which welcomed the Governor at Tokano, at the south end of the great lake. Sir G. Bowen saw Maoris working for wages on the roads as he journeyed to Tauranga. At their head was Ngatote, a brother of Kereopa who had recently been executed. The loyal

Arawa were everywhere eager to obtain schools and good roads. At Tauranga the Ngaiterangi chiefs, some of whom had fought at the Gate Pah, were as cordial as the Arawa. Two of them volunteered to escort the Governor through the forest from Kati Kati to Ohinemuri on the Thames. At Ohinemuri the Governor met Mr. McLean, who had gone by sea from Kati Kati, and, rounding Cape Colville, had ascended the Thames. There was a great gathering of Maoris for a "tangi" or lamentation for the deceased chief Taraia. The presence of the Governor and Mr. McLean was hailed with pleasure. Sir G. Bowen was anxious for an interview with the Maori king, but McLean's negotiations were resultless. The Governor's tour on the whole was described by McLean as "productive of the most beneficial results;" but the secluded king maintained a boundary which he would not pass to see the Governor, and which the Governor could not cross to look at him. The attempt seemed so easy and McLean's triumphs had been so great that the Governor could scarcely curb his vexation. Mr. McLean essayed to pacify him by declaring that "owing to various tribal differences the interview is likely to be deferred, and it is deemed advisable that no impatience should be displayed to hasten the negotiations." There was a lamentable tone of exultation in some documents of the period, at a rumour that Tawhiao had given way to habits of intoxication,—a tone which can be accounted for, but not justified, by disappointment at his obstinate seclusion. While the Governor was thus employed, the Treasurer was amusing himself in Australia at the expense of the colony. Between the end of 1869 and the beginning of 1872 his travelling expenses were no less than £3825, which he charged against various funds in round sums, and in which he did not affect to be economical. The New Zealand ass was saddled, and had to carry its burden. It had the pleasure of learning from a return moved for by a member in 1873, that in the spring of 1872 it had paid, out of the Consolidated Fund and out of a special fund, £565 for Mr. Vogel's maintenance in Australia while Mr. McLean and the Governor were more modestly busy in New Zealand. On his return to Wellington Sir George Bowen observed the tact of his companion. At the East Cape two chiefs were on the verge of war. McLean took them to the vessel in which



the Governor voyaged, and there persuaded them to be reconciled, and leave their dispute to his arbitration. To prevent a relapse he prudently invited one of them to Wellington. At Napier the Governor found Karaitiana Takamoana holding a meeting of his Maori constituents, before whom he explained the business of the past, and discussed the probabilities of the future session.

A stray despatch from Lord Kimberley, written in 1872, gives strange significance to the Naturalization Act of 1870, and its tendency to destroy the ancient reverence for the title of an Englishman, and the love of country on which that reverence was founded. In 1871 a Convention, under Mr. Gladstone's auspices, was entered into at Washington to empower Englishmen and citizens of the United States mutually to part with and re-assume their nationality, as a man puts on and off an easy glove. "I, A. B., being originally a citizen (of the U.S.) [or a British subject], and having become naturalized within the dominions . . . do hereby renounce my naturalization as . . . and declare that it is my desire to resume my nationality as . . ." This glib transfer could be made before the Clerk of a Court or before a Consul. It was hardly to be wondered at that the original Act had not clothed such a transaction with sufficient legality, and a new statute was passed in 1872 to remove all doubts on this and other points. The pupil of Peel had become the Coryphæus of the Manchester school in a sense never countenanced by his master. The decay of the republic was at hand when Roman freedom could be gained without desert. But while Rome remained great the words *Civis Romanus sum* never ceased to thrill the bosom of a Roman with a pride which the Naturalization Acts of Mr. Gladstone and Earl Granville tended to banish from the breast of an Englishman. As some of the leading men in New Zealand had openly advocated annexation to the United States, the Acts in question seemed made to their hands. If Earl Granville had not resigned the seals of the Colonial Office, it was within the range of possibility for the European population of the colony to transfer their allegiance at various consulates until the only professing subjects of the Queen would have been Sir George Bowen and the Maori king and his adherents. To them no one had ever imputed intentional disloyalty to the



treaty of Waitangi, which recognized their own territorial rights under the sovereignty of the Queen.

A significant meeting of Maori chiefs took place on the east coast in the middle of the year. Ropata Wahawaha had been kind to captives made in his recent campaigns. To retain them amongst his own people until general peace could be established was his aim. He called a general assembly of the tribes, at his place, Mataahu. More than 3000 Maoris met, and under his guidance made friendly orations, and amidst a tumult of joy, cheering and firing volleys, hoisted the Union Jack in token of their loyalty to the Queen, and celebrated the rejection of Hau Hauism and a hearty return to Christianity. "That, Sir," said Mr. Donald McLean to the House, "is the sequel to those operations which have been carried on under Major Ropata."

A Maori clergyman, Rev. Mohi Turei, who had ever been a steadfast member of the Church of England, was the mouth-piece of his countrymen in rendering thanks and asking "for the spirit of wisdom and understanding, the spirit of knowledge and of the fear of the Lord, that we may show forth Thy praise and declare Thy goodness, not with our lips only, but with our whole hearts, and turn unto Thee, and walk before Thee in holiness and righteousness all the days of our lives, through Jesus Christ our Lord. . . ." Ropata, wearing the sword presented to him by the Queen, exhorted the tribes to "pray always, in prosperity and in adversity, to be the children of Christ, as the first duty, and to be loyal to the Queen. God preserve the Queen and you (the people), and take you under His Divine protection."

The Governor congratulated the Assembly on peace, prosperity, and public works. A difficulty met the Government. They had no representative in the Council. The Committee appointed to prepare the Address in reply to the Governor's speech was instructed to express regret that the Governor had not been "advised according to constitutional usage" to secure a representative. The omission was especially notable, because the Government had recently called several new members to the Council. The attempt to dispense with a responsible organ of the Government in a Legislative Chamber was not persisted in, and in a few days Mr. Hall and Mr. Miller were appointed members of the Executive Council, representing the Government in the Upper House.

Mr. Hall's first appearance as a Minister had been with Mr. Fox in 1856. Mr. Stafford then cut short Fox's term of office. Ten years afterwards Mr. Hall joined Stafford. Fox turned Stafford out in 1869, and in 1872 Mr. Hall again cast in his fortune with Fox. Parata lost no time in asking why the Government had done nothing towards compliance with the resolution of the House, in 1871, that it was desirable that the native race should be represented in the Council. Mr. McLean announced that early measures would be taken to call two members to the Council. Nearly three months elapsed, two changes of Ministry had been made, and the Session was almost at an end, before the promise was fulfilled. Wi Tako Ngatata from the west, and Mokena Kohere from the east, were then appointed. The first had laid the English under obligations which could not be forgotten in checking Hau Hauism when it threatened to overspread the island. The second had risked his life in campaign after campaign in fighting for the Queen, and was a recipient of one of the swords sent from England. Sir David Monro, whose appointment to the Upper House had been looked for as an act of courtesy, had found a constituency at Waikouati, and sat again amongst the Representatives. At his election he had denounced the policy of the Government as "reckless, extravagant, and unstatesmanlike."

An uneasy feeling about the manner in which the Ministry made and annulled ministerial offices found vent in the Council early in August, where Mr. Waterhouse moved that it was opposed to constitutional usage. The strength of the feeling may be gauged by the fact that the Ministry, after an adjourned debate, could only procure relief by an amendment moved by one of themselves (Mr. Miller), that "with a view of better securing the freedom and independence of Parliament, it is expedient that a limit should be fixed to the number of members of the Executive Council, holding paid public offices under the Crown, who may sit and vote in Parliament, and also that it is desirable the various ministerial offices should as soon as possible be defined by statute." Mr. Waterhouse accepted the amendment, and the Ministry by the mouth of one of their own body submitted to censure. The Government was challenged in the Representative House on the subject of constitu-

tional changes. The burning question of provincial and central powers had been raised, but evaded, in 1870 and 1871. Mr. Macandrew's proposition, in the latter year, to substitute, *inter alia*, one Provincial Government in the Middle Island for the several existing provinces, and to establish a uniform system of dealing with land throughout the colony, had been defeated by 41 votes against 22. In the same session Mr. Vogel had promised that the Government would, in 1872, introduce a measure to deal with the whole subject, and to define the functions of Provincial Councils. Mr. Gillies, member for Auckland City West, and Superintendent of the Auckland Province, asked for the fulfilment of the promise. Various Provincial Councils had considered the subject, and it was desirable to know why it had not been broached in the Governor's speech. Mr. Vogel said that the Bill would not be brought in. The Government were of opinion that "it would not be feasible to take from the Provincial Governments their present powers without throwing so much work on the Central Government as would break it down. . . . We are not in any degree approaching the termination of provincial legislative powers. I think it quite possible that we shall see—perhaps after the lapse of some considerable time—the establishment of a single province in each island, exercising larger provincial powers than those which at present exist." The question was evaded without a division, but a measure was again hinted at—in the succeeding session. Supporters might be lost in 1872 if its provisions should not prove acceptable, and while the Bill could be renewed there was no desire to meet its obligations. But no caution could ward off a blow even in 1872. Mr. Stafford moved (21st August) resolutions, condemning the administration of the public works and immigration policy, animadverting on the habitual absence of Ministers from their posts, and declaring that while availing itself of existing provincial machinery in supervising public works the Government ought to retain complete responsibility and sole control over the expenditure. A long debate was concluded on the 5th September. Some effect was produced by a member for Hokitika, who showed how the Treasury had subsidized partisan newspapers by advertisements. Newspapers of wide circulation were not so favoured as petty organs which



violently supported the Government. Thus most money was squandered where least result was obtained. Other favours there were, secret, sweet, and precious, which Mr. Vogel justified on the ground that, as an old member of the fourth estate he knew they would be agreeable to many newspaper proprietors. Corruption was hinted at by Mr. Reid, the member for Taieri. "Has the action of the Government with regard to appointments been satisfactory? My reply is that they have not, and it would be interesting for us to know how many appointments are yet to follow, especially for members of this House. I may say that there are rumours about the lobbies that appointments are to be given to honourable members, but I do not know that they would condescend to accept them." That such insinuations could be made at all was not likely to raise the reputation of the colony.

The reply of Mr. Vogel, to whom the manœuvres complained of were chiefly imputed, showed little sense of the degradation they represented. It flowed without restraint from him, and reflects little credit on the House which could listen to it without impatience and scorn: "I should like to know whether entering this House is to be considered as a disqualification from holding office in the Civil Service of this colony. . . . We are carrying the principle to a ridiculous extent if we exclude persons who have been members from receiving appointments; . . . there can be no benefit in a small country like this, where talent is not always available, from shutting such men out of public employment." "The statements which have been made are not reflections upon the Government; they are reflections upon honourable members. If there are corruptors there must also be corrupted, and when we are charged with corruption it is also a charge against members of this House that they are capable of being corrupted." By this process of reasoning it might be argued that when the physician of Pyrrhus offered to poison his master, Fabricius became corrupt although he exposed the corruption of his tempter; or that when Fabricius refused to be dishonourable the physician ceased to be corrupt.<sup>1</sup>

<sup>1</sup> Mr. Reader Wood, a colleague with Mr. Fox in 1864, asked in the debate, and no one impugned him: "Has not patronage flowed backwards and forwards through this House in one continuous stream? How many members have been launched into the Civil Service? Has it not been



Mr. Fox was too wise to rely on such a defence. Early in the debate Donald McLean was put forward. His aid had enabled Fox to oust the Stafford Ministry in 1869. Confidence in him gave assurance of peace with the Maoris. Fear of losing his good offices might procure pardon for many ministerial faults. His speech was a running commentary on his dealings with the natives. The Board of Advice at Taranaki which comprised Maori chiefs; the peace with the Maori king; the campaigns of Rangihiwini and Ropata; the civil service then being rendered by Rangihiwini, "as faithful and good an officer as there is in the country"; the intention of the Government to avail themselves still more of Maori advice; the special intention "to restore to Te Rangitake a portion of his ancestral property"; the prospect of a general amnesty;—formed the burden of his song. At the close of his speech he revealed a startling proof of the confidence reposed in himself. A suggestion had been made that he should take office in the new Government on the downfall of Mr. Fox, but he had stated that he should decline to do so. Yet, after this public statement, members expressed a hope that Mr. McLean's scruples would be overcome. One member declared: "If the Government are saved upon this question it will be through the reputation of Mr. McLean." They were not saved. By 40 votes against 37, Mr. Stafford's first resolution (on administration) was carried. The four Maori members could by combination have swayed the majority as they pleased. They had denounced in former sessions the indecency of a struggle for emoluments between the "ins" and the "outs." They now disappointed both sides. Katene declared that he could not support Mr. Stafford because Mr. McLean would not join his Government. Katene cared little about the San Francisco mail contract and such matters. They were stocks and stones to him. Through McLean and Fitzgerald the Maoris had obtained a voice in legislation. There had never been any good in a Native Minister till the time of McLean. Katene supported him in that capacity. Yet he had grievances. A promise had been made of a grant for public

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understood, and have we not intentionally been made to understand, that the direct pecuniary interest of members of this House is to support the Government?"

purposes in the north. "I have only the verbal statement of the Government to that effect; it is not set forth in the statement of the Minister for Public Works. The Government should give us that money, or enact some law with regard to it. . . . Although the Government have offended me in this matter, I will return them good for evil." He urged that there should be universal amnesty between Pakeha and Maori, and between all Maoris. "If my request is agreed to, let a new policy be instituted after this session of Parliament." Karaitiana Takamoana said that till he entered the Assembly he had thought that Ministers held office for definite terms, and had not known that Ministers could be turned out by a hostile vote. "I have ascertained that fact since I obtained a seat. I therefore thought I would join in turning out the Government." He enumerated faults committed towards the Maoris. It was foolish to attack Te Kooti on his landing;—equally foolish not to follow him without delay when he had been attacked. The land policy was bad, and had been harshly enforced sometimes. But yet McLean stood in the light of a parent. "I have not made up my mind yet as to which way I shall vote. I shall wait. I think I shall vote with Mr. Stafford. If the Government of which McLean is a member stands again, I shall go back to them. I understand it is the custom of opposite persons to try to turn a Government out. I shall vote as I think fit when the time arrives for a division." The four Maori members were equally divided, for and against the resolution. Mr. Vogel probably thought them stupid. A Ministry hung in the balance, and yet these men talked about peace, patriotism, and justice. Sir George Bowen wrote that it was reported that the chiefs said that as both sides were profuse in expressions of friendliness they determined not to be unfriendly to either, but to allow the dispute to be settled by the Pakeha votes. Mr. Fox resigned, and Stafford formed a Ministry after some difficulty. Mr. Waterhouse was unwilling to join, but up to the last moment permitted negotiations to be carried on with him. When a junction with him was impracticable, Mr. Sewell accepted office as Colonial Secretary. Mr. Fitzherbert, Mr. Gillies (Treasurer), Mr. Reid, and Mr. Curtis were his colleagues under the Premiership of Mr. Stafford, who announced that

the Government would maintain the unity of the colony with the seat of Government at Wellington. He enumerated the measures which the Government would proceed with before the recess. But he was not fated to reach that haven of rest. Mr. Waterhouse vehemently denounced the precipitance with which Mr. Sewell had swallowed the bait which it had occupied himself so long to decline. Yet he said there was "no difference of opinion whatever between himself and Mr. Stafford." For himself he declared (13th September): "I state, and state publicly, that no consideration whatever will induce me to identify myself with any party or any administration in this country." Little could he then foresee that within a month he would assume office in a Ministry formed on the expulsion of Mr. Stafford, between whom and himself he knew of no difference of opinion. Mr. Sewell retorted that he would have supported Mr. Waterhouse in the Stafford Ministry, but that being appealed to at the last moment by Mr. Stafford, he was compelled to act suddenly in order to prevent a failure on the part of that gentleman to form a Government. But Mr. Sewell had not previously advocated unity of government, and the necessity to make terms with one who had so recently been a member of the Fox Ministry did not strengthen the position of the Stafford party. Nor was Mr. Stafford's assumption of responsibility for native affairs calculated to breed confidence. As the head of the Ministry in 1860 he had concurred in the rape of the Waitara; in the same office in later times he had allowed Colonel McDonell so to deal with a few cases of horse-stealing as to rouse Titokowaru into a rebellion which devastated the west coast. He had transported without warrant, and untried, Te Kooti, who had never been a rebel. He had converted the escape of his captive into a dreary catalogue of murders, which only the gallantry of Rangihiwini and Ropata and the influence of McLean had been able to crush. He had also insulted and dismissed the man on whom Maoris looked as their friend. To secure the aid of that man he was now willing to arrange that if McLean would, on the fall of his colleagues, come over to the camp of the victors, McLean should retain the office for which all men thought him fitted. Failing to secure McLean he would himself be Native Minister, and



deal with Maoris through local officers, in some of whom Maoris had no more confidence than they had in him. It was not to such hands that either colonists or natives would entrust negotiations pregnant with peace or war. The ultimate success of the Pakeha might indeed be sure, but war, massacre, and misery were no less certain. Sir G. Bowen lost no time in soliciting for Mr. Fox, Mr. Vogel, Mr. McLean, and another outgoing Minister, permission to retain the title of "honourable"<sup>1</sup> after their retirement.

It must have been wormwood to Mr. Stafford to constrain himself to adopt a new policy towards the Maori chiefs who, though few, had influence in a House so equally divided. But he constrained himself. Eruera Patuone, the brother of Waka Nene, died a few days after Stafford became Minister. He announced that the Government would accord a public funeral to one of the most faithful allies the English ever had. McLean told the House that in anticipation of the old man's death he had issued the necessary instructions before vacating office. Captain Wynyard, son-in-law of the deceased chief (and son of General Wynyard), had died in New Zealand, and the father-in-law was to be buried by the side of his white son-in-law. On the same day (19th September) that this tribute

<sup>1</sup> The craving for the retention of this title might have warned the Colonial Office that by wholesome conferring of heritable honours on the worthy a valuable order might have been created while the grace of the Queen would have been revered. Some Governors were partly blameable for not enforcing the colonial regulations which in the first instance declared that it was "understood" that outgoing Ministers would tender their resignation of office as Executive Councillors. Some defeated Ministers declined to conform to this requirement; and Governors did not compel them to obey it. Sir W. Denison in New South Wales was an exception. He told a recalcitrant that unless resignation were tendered removal would ensue. The New Zealand and other examples fixed the evil practice. Amended regulations for Her Majesty's Colonial Service have stereotyped it. It is now "understood that Councillors who have lost the confidence of the local legislature will tender their resignation . . . or discontinue the practical exercise of their functions, in analogy with the usage prevailing in the United Kingdom." The Governor is empowered to "appoint and remove," but the power is ineffective. An ex-Executive Councillor may misconduct himself without much risk of removal. In one colony a man who was dismissed from an inferior post for dishonesty, became subsequently a Minister, and induced the Governor to cancel the order of dismissal made by a previous Governor: and the man is to this day officially "Honourable."



to a faithful ally was promised, Taiaroa, who had voted against the downfall of McLean, put a crucial question to Mr. Stafford. He had given notice previously of his intention to move for a Committee. Would the Government consent to the appointment of a Committee to inquire into the unfulfilled promises to the Ngaitahu, or would they inquire into the matter themselves without delay? Mr. Stafford was scarcely ingenuous in his reply. He did not object to the Committee, but had no power over the order in which notices were brought before the House. Even without the Committee the Government would make due inquiry about all promises to natives, whether in the Middle Island or elsewhere. Mr. McLean thought the reply was hardly satisfactory. Precedence could easily be given to Taiaroa's motion. Mr. Stafford took the hint. Precedence was given at once, and Taiaroa carried his motion without a division. On a later day Taiaroa asked when a Maori was to be made a member of the Executive Council?—and Mr. Stafford said the Government would take time to consider.

Another Maori matter cropped up. Tauroa, a chief of the Pakakohi hapu on the west coast, had joined Titokowaru when fortune favoured him. Tauroa's friends averred that he was compelled to do so, and Colonel Whitmore stated in the Legislative Council that Titokowaru "sent parties to bring Tauroa and his hapu to his camp by force." When Titokowaru was routed and Rangihiwiniui was pursuing Te Kooti, the resident magistrate at Patea and Major Noake commanding the local force (nearly 300) composed principally of Maoris marched to the abode of Tauroa, who had refused to act with Titokowaru any longer. Tauroa had fought against the English in 1866, and his tribal rights had then been declared confiscated, but Mr. Parris had afterwards permitted him to settle on a block of land, on which he was living peaceably when Titokowaru compelled or persuaded him to take arms. Major Noake with his small army found Tauroa willing to submit to the Queen. The resident magistrate reported: "Tauroa does not plead anything in extenuation, and has thrown himself entirely on the mercy of the Government." With 122 others the chief surrendered, and was handed over to the Ngatiporou allies who were serving in the forces on the west coast. But such chivalrous treatment

was brief. Tauroa was sent to Wellington, convicted of high treason, and sentenced to be hanged, drawn, and quartered.<sup>1</sup> The sentence was commuted to three years' imprisonment. Captain Fraser (who in September, 1872, brought the case before the Legislative Council) declared that Tauroa was a perfect gentleman, complained that when the chief arrived at Otago with 78 of his people to be put in gaol, they were a mass of filth, vermin, and sores, and that during confinement for two years and a-half in Otago, eighteen of them perished. "The self-denial of the chief, and his affectionate attention to his people during their incarceration, won for him the respect of every one connected with the gaol, and (Captain Fraser) was so favourably impressed with his conduct that he told him that when the time came for his delivery from the gaol, he would do all in his power to obtain for him the restoration of a portion of his lands." A brutal joke was practised upon the prisoners. A man told them that on a certain day they would be released. They bathed, they shaved, they prepared to emerge into the day. The promised pardon did not come. The younger and excitable amongst them became furious, and but for Tauroa's influence, Captain Fraser said, "the prison would have been

<sup>1</sup> Tauroa could not understand why the colonists punished the body and also confiscated the goods. "I was told" (he said to the West Coast Commissioners in 1880)—" 'You and your people have done wrong in rebelling against the Queen.' I answered, 'I have not done wrong. I have not carried arms against the Queen, but against you, and you now say it is done against the Queen.' I waited, expecting to be told that the land would be all taken for my wrong-doings; but no; all the blame was put on me, and not on the land. . . . If I had been told, when I was tried at Wellington (1869), that my land was to be taken for my offences, then I should have understood it; but I was not told so at the time. My body was punished for my offences." Messrs. Fox and Bell told Tauroa that it was no part of the duty of the Judge to say anything about the confiscation: but the facts remained that Tauroa was occupying his land with full knowledge and consent of the Government in 1869—that no proclamation of confiscation was or could be made after that date (the Settlements Act having expired)—and yet his land was seized. Another Maori retorted to the Commissioners: "Mr. Richmond's promise to Tauroa was not made verbally only; it was put in writing." "We know that," replied Fox and Bell; "but the war swept away all promises written and verbal to those who joined in it" (N. Z. P. P. 1880; G. 2, pp. 37, 38, 39). How foolish must the Commissioners have thought the hero of Waterloo, who declared that there could be "no higher interest than that of keeping your word!"

deluged with blood." Meantime Rangihwinui and others pleaded for pardon for their countrymen. At last Donald McLean appeared, and Tauroa with the remnant of his hapu was taken back to Wellington in 1872. Then new difficulties arose. The white settlers at Patea resented the idea that Tauroa should be allowed to return to the land of his birth. McLean feared it would be injudicious to restore him at once. The remigration was arrested. The natives were told that they might quarter themselves on their countrymen anywhere except at their old homes. At the same time McLean hoped to allot land to them out of Tauroa's hereditary possessions, when the discontent amongst the Europeans had subsided. How the discontent might manifest itself was adumbrated by a paragraph which at this time was quoted by Mr. Mantell (in the Legislative Council) from a west coast newspaper. "We are assured, however, that if there is any further interference the Maoris will be shot down like dogs, as a number of determined men are armed and ready to act. This is the best argument in such a case with savages, if the Native Agents and Native Office cannot maintain the indubitable right of the settlers. The argument is a potent one with the Australian blacks." Potent indeed had been the rifle and the gun against the Australian native, and the wide domains of Queensland had witnessed and were witnessing in 1872 unnumbered murders committed on a race ignorant of fortifications, and armed only with wooden missiles. But the truth of what the editor called argument was equalled by its brutality. Colonel Whitmore, who had met Tauroa in the field, admitted that it was a Maori custom for a successful chief to compel the adherence of others, "and it seemed to be a peculiarity in the native character that it never occurred to them to resist or refuse under those circumstances the constraint that was put upon them." He added that Tauroa had never joined in the loathsome barbarities of Titokowaru's own hapu, and that as soon as he could he had broken off connection with them. Colonel Whitmore sympathized with Tauroa, but said that Mr. Fox had created a special difficulty by improperly telling the settlers at Patea that Tauroa should never return there. Thus Mr. McLean's hands were bound, and Colonel Whitmore feared that if the unfortunate tribe should appear in



its birthplace it would go from imprisonment to death. After an adjourned debate the Council resolved that it was "desirable to act with clemency and liberality towards the chief Tauroa, and the Pakakohi hapu, lately prisoners at Dunedin, who have been dispossessed of their land." On the day when the Council thus resolved, Taiaroa brought forward a kindred motion in the Representative House. Parata supported it. He wished to know whether the Government would restore a fragment of Tauroa's birthright to him. Let them not refer to the deeds of the late Government. Maoris wished to know what was to become of their brethren,—whether they were to be well or ill treated,—whether they were to exist or to perish. Mr. Fox joined in the debate in order to show that it was highly dangerous for any one but Donald McLean to deal with a problem so difficult. Several members asked Taiaroa to withdraw his motion. Katene joined in the entreaty, but took occasion to deny that Maoris only were in fault in past disputes. Was there not the Waitara land seizure? Did they not know that if Te Rangitake had been willing to abandon to the Pakeha what his father on a deathbed had enjoined him never to lose, the Government would have been friendly to him? Say not then that the Maori had committed all the faults. "It was alleged that there were difficulties in doing anything for Tauroa and his people; but the promised act of grace was long in being fulfilled, and therefore it was that the Maori members joined in urging a speedy determination, so that these people who were wanderers on the face of the earth might be settled somewhere. . . ." Let not the Government make matters worse by selling the land which might be needed for the returned prisoners. In deference to the desire of the House, Taiaroa withdrew his motion; hoping at the same time that the Government would leave the matter open for a just settlement by not selling land in the district in the mean time. Mr. Stafford was not strong in the House, and offence given to the four Maori members might at any time destroy his majority.

There was a Bill before the House to amend and continue for five years the Maori Representation Act of 1867, which had been limited to five years. Mr. Stafford moved that there should be added a fifth member "to represent the inhabitants of the



colony of the Maori race." The existing members represented the northern, the eastern, the western, and southern Maori electoral districts. By 30 votes against 17 the additional member was agreed to, the four Maori members voting together in the majority, Katene being one of the tellers. A Dunedin member hostile to Maori representation opposed the Bill on a point of order. It was, nevertheless, passed by the Representatives on the 4th October, and eventually became law after the Council had struck out the additional member, and conference had been held. In 1876, Taiaroa confided to the House the secret history of the measure. Mr. Stafford had asked Sir George Bowen to dissolve the House. "Katene and myself looked at the Act and saw that if Parliament were dissolved then, no Maoris could be returned as the Act for their representation was expiring. We went to Government House early in the morning before the Governor was up, and asked him not to grant Mr. Stafford's request, and the Governor was very glad we had gone there before the honourable member for Timaru (Stafford), and he did not grant a dissolution." On the 4th October, Mr. Vogel brought forward a proposition that "the House has no confidence in the present Government." There had been much management behind the scenes, and Mr. Vogel considered a majority secure. But Mr. Fox was not more popular than Mr. Stafford, and it was arranged that Mr. Fox should declare that his name should not appear in the Ministry to be formed on the fall of Mr. Stafford. Mr. McLean, of course, as Native Minister, was to be a tower of strength. Mr. Vogel, who was resolute to take office, spoke of the "exquisite tact" of the gentleman who thus gave way to a politician so young and inexperienced as himself when compared to Mr. Fox. He proceeded to assail the Government for having, during their month of office, followed "the footsteps of their predecessors." He revealed unintentionally his own disappointment because he had not in 1865 been taken into Mr. Stafford's Government when Mr. Weld was driven from office. He stood forward as the champion of provincialism. "All the prominent members of this House who are provincial in their tendencies" (he said) "were members of the party whose vote turned out Mr. Weld's Government, and who in a

little room in this building asked Mr. Stafford to accept the position of head of the Government under the assurance—alas! it was a very delusive one—that he would carry out the policy of his party. It is a matter of history how he became released from his colleague a few months afterwards, and joined himself with those whom, by the assistance of the provincial party, he had before turned out.” He descanted about the Treasury accounts; he attacked the members of the Ministry individually, and was acrimonious against Mr. Sewell, who, having been a colleague of Mr. Fox in 1871, had coalesced with Mr. Stafford in 1872: he extolled Mr. McLean, he lauded a Maori member (Parata) for a prophecy that mischief would ensue between Maori and Pakeha if the Superintendents of provinces should have much to do with railways. He predicted that “native affairs in disorder,” and a stop to colonization, would be the result of Stafford’s continuance in office. A relic of the contempt which had formerly been felt in the colony for the mover was shown in Stafford’s reception of the motion. No one rose to reply to it, and when Mr. Vogel complained that discussion would thus be “burked,” Mr. Stafford said there was nothing to debate. By 37 votes against 35 the motion was carried. Parata, the western Maori member, with Katene and Taiaroa supported the resolution which seemed calculated to restore Mr. McLean as Native Minister. The influence of the gold-fields’ population was powerful in all divisions. There were 33 members for the Northern Island, and there alone Maori questions were dangerous, but 45 members for the Middle Island were able to overbear them. Mr. Stafford asked for a dissolution, declaring that recent elections and other events indicated that the result of the dissolution would be the return of a decisive majority in favour of the Government. Sir G. Bowen, before deciding, wished to know whether the existing Assembly would grant supplies. Mr. Stafford doubted not that it would do its duty, but the Governor urged that frequent dissolutions were inconvenient, that it was probable that the country was as much divided as the Legislature; that at all events there had been no expression of public opinion in favour of either of the parties in the House, whose differences seemed personal rather than political; that perhaps Mr. Stafford was too sanguine about

obtaining supplies, and that a new administration on a wider basis might carry on the business of the country without interruption. Nevertheless, he added (in a postscript), he would not object to testing the opinion of Parliament upon the point at issue:—on condition that his correspondence be placed before it, and that the passing of the Appropriation Act be deemed the proof that Parliament agreed with Mr. Stafford. Mr. Stafford replied, that but for the postscript he would have tendered his resignation at once. He submitted that before making proposals in Parliament founded on a contemplated dissolution he ought to “be enabled to announce that on supplies being granted Parliament would be dissolved. By adopting any other course the duty of deciding whether Parliament should be dissolved or not would in fact be relegated to the House of Representatives instead of resting, as it constitutionally does, with his Excellency.” It was Sir G. Bowen’s habit to discuss profusely with men of all parties every question of the hour; and those who thought his confidence most intimate and gracious, were surprised to find that he had poured into the ears of many what they had thought reserved for their own. He had arrived at the conclusion that Mr. Vogel could form a Ministry, and he declined to give the pledge desired. He laboured to secure a fresh administration containing Mr. Vogel. He brought vice-regal blandishments to bear upon Mr. Waterhouse. He urged that the Parliament was young, that there was no large question to submit to the country, that there were no grounds for expecting a change of public opinion, that all proper attempts to form a Ministry had not been exhausted, and that if circumstances were different his action would be different. He did not touch upon the implication that he had been ready to surrender the prerogative of dissolution to the will of the House. Mr. Stafford placed his resignation in the Governor’s hands; remarking that the Ministry did not desire to combat his Excellency’s views, with which, nevertheless, they were compelled to disagree. It is worthy of observation that if a cabal in New Zealand had not been aided by the Secretary of State in strangling the Constitution of 1852, and in creating Ministers exempt from the constitutional necessity of appealing to their constituents on acceptance of office, neither the Governor



nor Mr. Stafford would have been in doubt as to the desire of at least some portion of the electors.

Mr. Fox was not to be one of the new Ministry. Mr. Reeves also declined, and Mr. J. D. Ormond, Superintendent of the Hawke's Bay Province, declined to associate himself with Mr. Vogel beyond the end of the session. He had private as well as provincial avocations to attend to. At the end of the session Mr. Reynolds (the bitter opponent of Maori representation) became Commissioner of Customs. But no hostility to the Maoris was to be apprehended. Donald McLean resumed office as Native Minister, and was all powerful on Maori affairs. The knotty question of the confiscated lands was to be decided by him in conjunction with Maori chiefs. In the management of native reserves, Maori chiefs were moreover to be associated with the existing Commissioners. McLean was prone to magnify his office and to assume that none but himself could deal wisely with the Maori question. His colleagues were compelled by public opinion to accept him at his own estimation. But in the new order of things an unbiassed observer can read "writ large," in the new Ministerial arrangements, a bid for the four Maori votes in the House. Maori interests were absolutely unimportant to Mr. Vogel, but when the fate of a Ministry had been decided by a majority of two, Maori votes were valuable. McLean easily induced his colleagues to call two Maori members to the Legislative Council. Mokena Kohere and Wi Tako Ngatata, often mentioned in these pages, were appointed Legislative Councillors on the 11th October. Katene and Parata, representative Maori members, were on the 4th November made members of the Executive Council. Mr. Vogel deferred the final constitution of the Ministry until the end of the session. Some offices left unfilled became baits to the expectant, and postponed the day of anger of the disappointed. The office of Premier was filled, not by Mr. Vogel, but by a man who had recently repudiated the bare idea of holding office at all. Mr. Vogel could not safely assume it. He was indeed a companion of the Order of St. Michael and St. George, but the patronage which the Colonial Office abused in the Queen's name, conferred no real honour on recipients. Though members might be repelled by too prompt arrogance in assumption of the nominal leadership, Mr. Vogel



rightly assured himself that he could be the real leader under the name of another. That other came from an unexpected quarter. Mr. Waterhouse, a comparatively young colonist, but a man of position who had migrated from South Australia, and had in 1870 become a member of the Legislative Council, had publicly stated to the Council, in September, that no consideration whatever would induce him to identify himself with any party or any administration in New Zealand. Therefore he had declined to join Mr. Stafford, although there was "no difference of opinion between them." It was said that his resolution fell before the persuasive entreaties of the Governor. On the 11th October, Mr. Waterhouse became Premier without salary. It was correctly anticipated that he would either be a creature in the hands of those more powerful or artful than himself, or that he would cast off an ignominious position. Mr. Miller, by whose amendment Mr. Waterhouse's condemnation of the Fox Ministry had been barely qualified in August, now declined to rejoin the remnant of that Ministry which Mr. Waterhouse was nominally to lead. The latter, in announcing the fact, publicly deplored the loss of Mr. Miller's "ability and integrity of character."

The new Ministry was in no danger throughout the remainder of the session. The railway policy of the Fox administration was pursued by that of Mr. Waterhouse. Seven hundred and sixty-four miles of railway, to be constructed at the public cost, were sanctioned by the Assembly. The inadequacy of New Zealand Ministries in fulfilling promises was speedily displayed. Wi Tako Ngatata, taking his seat on the 15th October in the Council, asked on the same day for the postponement of a Bill by which lands, to which titles were in dispute, were affected. He wished to see a translation of the Bill, but none had been made. On the 18th October, Mr. Mantell moved that in order that Her Majesty's subjects of the Maori race might have full opportunity of considering legislation affecting them, all Bills of such purport should be "prepared, translated, printed, and circulated at the earliest possible date prior to their introduction." Mr. Waterhouse opposed the motion. He complained of its unfairness. Europeans could not see Bills before their introduction into Parliament, and there should be no special exception in favour of Maoris. Whether he had persuaded himself that

Englishmen would be placed at a disadvantage, may be doubted. He did not persuade the Council, and Mr. Mantell carried his motion without a division. Mr. McLean did not produce his measure for constituting native local Councils until the 22nd October. It was tentative. It was to apply only to what were called native districts. Everything was to be done with consent of the Maoris. They were unanimously in favour of his proposition. McLean said they were the best judges of their own disputes, and that no English lawyer or judge could understand them so fully as they could. The House was averse to entertain the subject at the close of a session, and though three Maori members supported the Bill, Mr. McLean, in deference to the House, withdrew it. Another measure dealing with remnants of the celebrated Rangitikei-Manawatu land-case was introduced at an equally inconvenient date. On the 22nd October, Mr. McLean moved the second reading. After all Dr Featherston's labours with the tribes, after the judicial decision accepted by so many natives, after the assertion of the Queen's supremacy in so many places once defiant of her authority, McLean assured the House that so inexorable was the pugnacity of Maoris that "it would have been dangerous to attempt anything like forcible measures for the occupation of the district. This much he could say, that if such measures had been resorted to, no settlers would now be living upon that block." To justify his position he declared that the imputation that he was responsible for the Waitara wrongs was erroneous. He did not deny that he had advised Governor Browne, in March, 1859; but long before "disturbance broke out he was on the east coast, and did not know what was taking place. He afterwards removed to the Middle Island, having determined to retire for two years on account of illness. On his return from Otago after an absence of a few weeks he first heard that war had been declared at Waitara." His enemies declared that he had secluded himself under the plea of illness when he saw the gulf into which Governor Browne's advisers were about to plunge, and even friends must have been disappointed, when after twelve years the old man could make no better defence than the ambiguous statement thus dragged into the debate on the Rangitikei-Manawatu Bill. It may have been that McLean

like others had something to learn in 1859, and had been wise enough to learn it. It is certain that his reputation in the colony in 1872 enabled him to take higher ground than he could aspire to when the Taranaki conspirators obtained the ear of the Governor in 1859, and McLean like Crispus shrunk from contending against the prevailing torrent.

The Bill of 1872 related more to provincial necessities than to Maori tenure. McLean had reserved nearly 14,000 acres for the Maoris in order that the Government might derive benefit from the decision of the Land Court in 1869. An Act was required to validate a grant of the land which was provincial, and the province of Wellington demanded compensation, although by the reserve of less than 14,000 acres McLean had secured quiet possession of 240,000. A clause added to the Bill appointed the Speaker (Dillon Bell) to decide what compensation should be given. The clause was rejected in the Upper House. Vogel asked the Lower House not to insist upon it, but its author, Mr. Fitzherbert, foiled him on a division. Vogel equivocated, and Mr. Fox declared—"The House has now done the maddest thing I have ever known any Assembly to be guilty of." A prorogation terminated the dispute, and the efforts of the session were not altogether thrown away. A Rangitikei-Manawatu Crown Grants Bill, previously passed, enabled the Governor to fulfil agreements with the Maoris. The Speaker furnished an opinion only, as the Attorney-General had formally pronounced that he could not give an award. The opinion (brought before the Representatives in 1874) elicited angry debates. Sir F. D. Bell recognized the broad facts that after the decision of the Native Lands Court in 1869 there were disturbances, the surveyor's pegs were removed by the discontented, and Mr. McLean, with the earnest concurrence of the General Government and of the province, had hastened to the spot to allay trouble, and make needful concessions. All were glad when he made them in the shape of reserves. Mr. Fox telegraphed from the spot (November, 1870): "There were only three possible courses:—1st, to fight for it, which neither the Government nor the Assembly would do; 2nd, to render settlement possible, by satisfying the natives as Mr. McLean has done; or 3rd, to let it stand over for years. The course pursued has been by far the best and cheapest



of the three." For the 13,875 acres reserved by McLean, and taken from the provincial estate, the province of Wellington claimed compensation; and the Representatives, on the opinion of their Speaker, seemed willing to grant it, to an amount of about £15,000. But the Government with questionable morality strove to evade responsibility for McLean's award by saying that they had thought it would bind not them, but the province. They alleged that McLean, though Native Minister, must have been deemed acting as an agent to save the province from trouble, and the province ought to bear the cost. Mr. Fox said that such was his impression at the time; but when asked whether—if money had been awarded by McLean instead of land he would have thought that the province ought to pay it—he replied that he "did not think that view occurred to him at the time." The provincial authorities, on the contrary, averred that they believed it to be the duty of the Government to put them into peaceable possession of the block. Seizing upon the Attorney-General's opinion, Mr. Vogel said: "The Government have no intention whatever to abide by the award, but to confine themselves strictly to the terms of the reference." The Speaker replied that when the Native Minister declared to him that the Government were willing to leave the matter to his decision he had agreed to act, but that if he had known how the Government were about to proceed he would have washed his hands of the whole affair. Angry debates ensued. Mr. Gillies, differing from the award, thought the honour of the Government pledged to it. Mr. Fox defended, and Mr. Fitzherbert vehemently attacked, the Government. By 29 votes against 25 Mr. Vogel was defeated. He then opened a masked battery. He would include the sum in the Provincial Works Advances Bill then before the House, and thus keep the word of promise to the ear, but break it to the hope. Mr. Fitzherbert retorted that such a course would be equal to saying, "We owe you £15,260; we will discount your bill and charge you for it;" and Mr. Vogel resorted to secret means to sap the majority recorded against him. A week later, in Committee, a different decision was arrived at by 31 votes against 25; after a debate in which Mr. Fitzherbert averred that Mr. Vogel had "connived, colluded, and conspired with certain members of the Provincial



Council, and had informed them that they need not put themselves to the trouble of rejecting a certain Bill, for if it were sent up to him he would disallow it." Mr. Vogel denied the impeachment, but his antagonist undertook to prove it in the House, and Vogel could only reply that what he said in private conversation was not said in his capacity as Premier. The New Zealand proverb that land was a cause of war had been exemplified at Manawatu. From the time of Rauparaha's conquests in 1818 until 1874, the land had furnished battleground for Maoris, for soldiers, for Land Courts, Commissioners, Governors, and politicians. Sir Charles Dilke thought he had seen it put to rest in 1866, yet in 1874 it was the subject of doubtful contest in the General Assembly for adepts in secret arts which they called diplomacy, but for which other men found other names.

The railway policy sanctioned by the Assembly when it adopted the loan schemes of 1870 was pushed on in 1872, in spite of the fact that the contracts entered into by the Government were known to be largely in excess of the amounts authorized by law. Vainly a member implored the House not to approve a plan which would create a debt of £4,000,000 sterling for works to which, under the existing Loan Acts, only £2,000,000 were applicable, while more than £1,000,000 had already been paid. Vainly some members shuddered at the blankness into which they were asked to plunge. Sir J. Cracroft Wilson reminded the House that two years previously he had warned them of the calamities they were embracing, and they had now nothing to do but to front the danger boldly. In the Council the proposal to read the Bill a second time on the 21st October was rejected by 13 votes against 12, but on the 22nd the Government mustered more force, and with the help of Mokena Kohere and Wi Tako Ngatata carried the second reading by 15 votes against 12, after a long debate, in which Mr. Sewell moved an amendment expressing a desire to give effect to the true policy of 1870, but refusing to authorize the Government to enter into new contracts beyond Parliamentary control, for which no provision had been made, and by which unlimited liability might be created. Vainly Colonel Kenny entreated the Council to stand between the colony and ruin. Vainly Mr. Chamberlin made "one remark" on the Bill: "I am one of

those who supported the public works scheme, and never in my life did I make a greater blunder." Vainly did Mr. Sewell declare that they were allowing the Treasurer to saddle a population of 280,000 people with a total debt of more than £14,000,000 sterling. Some amendments were made and were eventually accepted by the Representatives. Eleven members of the Council entered upon their journals a protest against the Bill. The enormous debt, so disproportionate to the means of the colony; the vague powers put in the hands of the Government; the indecent haste with which the measure was forced on at the close of a session, and when many members had left the seat of Government,—were recorded for the benefit of the curious. While increasing the debt of the colony, the Fox Ministry had brought in a Bill to reduce the export duty on gold. Mr. Collins had in August carried a motion that it should be reduced to two shillings an ounce. The Government had opposed, and Mr. Vogel vainly strove to repel members from supporting him, by urging that the loss of revenue would fall on the Provincial Governments. By 34 votes against 11 the motion was carried. The amount of folly which men will talk on popular subjects was shown by the fact that although the duty was only levied by way of royalty, members spoke of it as a tax upon a class. The gold which was public property was allowed to be removed at a rate which for eleven years averaged more than £2,000,000 sterling in the year. Any one of the public could remove it if he chose. The duty was levied only on the amount of public property abstracted, and the amount paid by way of royalty for taking possession of the property was about 3 per cent. Generally speaking it was removed by persons who cared only for heaping up gold and spending it in amusement or debauchery if they did not retire to other countries to enjoy it. In nearly all cases they were not the material of which worthy colonists are formed. Yet to obtain votes the mining interest was to be propitiated. In ignorance, or with less venial motives, the royalty was denounced as a tax, and even as an income-tax. In vain did Mr. Curtis, a Nelson member, assert that though obtained for convenience through the Custom House the levy was derived as royalty, and was properly Crown Lands revenue. Other Acts of a less objectionable nature related to the gold-

fields. The functions of wardens and assessors, mining companies, regulation and inspection of mines, and various other matters were dealt with. Mercantile and local Acts swelled the statute-book. But the master-stroke of the session was the Railways Bill, which gave blank-charter to Mr. Vogel, who relied upon the necessity under which the colony would be placed to retain him as croupier in the game played under his direction.

Early in 1873 the Governor was informed that his services were to be transferred to the colony of Victoria, and that Sir James Fergusson (Governor of South Australia) was to govern New Zealand. Having made a tour in the southern provinces, Sir G. Bowen visited Auckland in March, and with Sir George Arney (the Chief Justice), Mr. McLean and others, travelled to Ngaruawahia, where a large assemblage of Maoris gathered together to bid him farewell. His last public act in New Zealand was to unveil the monument of Waka Nene, erected by the Government at the Bay of Islands; and he commented on the interesting fact that the close of his Government witnessed such "a mark of respect to the memory of the Maori chief who was mainly instrumental in procuring the cession of the sovereignty of the islands of the British Queen." He sent to England a memorandum drawn up by Mr. McLean on the condition of Maori affairs. Troubles had been removed. The questions about confiscated lands were progressing towards adjustment. Natives formerly in rebellion were peacefully occupying lands set apart for them within the confiscation boundary. The Government acquiesced in the desire of a portion of the natives to be let alone within their own *aukati*, or *pale*, without coming to terms with the *Pakeha*. He had been perplexed on the eve of his departure by the sudden resignation of Mr. Waterhouse in February. That gentleman had found his position irksome. He had taken office to confer dignity upon the Ministry, and he found that he had courted indignity for himself. The Treasurer's office enabled him to drag his colleague through ways of which the latter disapproved, and Mr. Waterhouse would submit no longer to sumptuous servitude. Mr. Hall, the Colonial Secretary, resigned, and in handing Mr. Hall's resignation to the Governor, Mr. Waterhouse tendered his own. He declared that he did not desire that his



release from office should terminate the Ministry. He was willing to hold office till the return of Mr. Vogel, who, as was his custom, was absent at the expense of the colony at a conference in Sydney about ocean mail services, intercolonial free trade, and telegraphic submarine cables. Three of the Ministry, Messrs. Bathgate, Richardson, and O'Rorke, entreated Mr. Waterhouse to withdraw his resignation. The Governor was equally importunate. He hoped Mr. Waterhouse would reconsider the matter. But the iron had entered into Mr. Waterhouse's soul. No appeal to him about public inconvenience, caused by a necessity to summon the Legislature, moved him. He resented the Governor's reference to the importunities of his colleagues. "He, while Premier, and not his Excellency, was the mouthpiece of the Ministry, and felt bound to observe that the numerous interviews which his Excellency has had with Mr. Waterhouse's colleagues, and the formal meeting which, prior to the receipt of Mr. Waterhouse's resignation, his Excellency arranged to have with them, but to which Mr. Waterhouse though Premier was not invited, have not been in accordance with recent constitutional practice." For a time Sir George Bowen appeared master of the situation. When Mr. Waterhouse pressed his resignation, the Governor told him that Mr. Vogel would be asked to accept the office of Premier on his return from Australia. Mr. Waterhouse was not content to remain in shackles. He declined to nominate a new Colonial Secretary, through whose office the most important business was constantly transacted. Nay, waxing bold, like an animal at bay, he would give no facilities for the departure of the Governor, and directed the master of the vessel which was to waft him to Auckland not to sail without directions from the Premier. He entreated the Governor at the same time to accept his resignation. In dudgeon, Sir George Bowen wrote a curt minute, formally releasing Mr. Waterhouse from the slavery into which he had with much labour inducted him so recently. It was galling to reflect that only vice-regal labours had placed Mr. Waterhouse in the position which enabled him to distract the last moments of the Governor's career in the colony. The 'New Zealand Gazette' informed the gossiping public of many minor details, which did not enhance the respectability of the

transaction. Mr. Fox consented to hold office as Premier until the return of the man whom the strange "art of the necessities" of New Zealand had made precious to her. On Mr. Vogel's return he became Premier in name as well as in fact. Mr. McLean was the inevitable Native Minister, and in a few weeks Dr. Pollen was persuaded to accept office as Colonial Secretary, with a seat in the Legislative Council. He was one of the oldest colonists. He had seen the treaty of Waitangi signed in 1840, and was Government Agent at Auckland when Mr. Vogel took him from the Civil Service to lead in the Legislative Council. Throughout these Ministerial changes the Maori chiefs, Katene (the Ngapuhi) and Parata (the Ngatiawa), remained undisturbed as members of the Executive Council.

After Sir George Bowen's departure, accident furnished Sir George Arney, the Administrator of the Government, with the means of breaking the isolation in which the Maori king had so long secluded himself and his followers. The small steamer, 'Luna,' in which he sailed from Onehunga, was driven by stress of weather to anchor under a projecting headland off Kawhia, the one seaport which Tawhiao's dominions comprised, and which had been closed against Englishmen about 12 years. Sir George Grey, in H.M.S. 'Eclipse,' in 1865, had been the last visitor. Continued roughness of the sea suggested an entrance into the harbour, on the plea of stress of weather. On anchoring in the forbidden waters, explanations were sent to the chiefs, and were accepted frankly. Accompanying Sir George Arney were Mr. McLean, Mr. Vogel, and Wi Tako Ngatata, a member of the Legislative Council. The Maoris who first boarded the vessel declared that no other vessel than the 'Luna' would be permitted to enter their solitary haven. Tawhiao was not at Kawhia, but his eldest son Tu Tawhiao invited Mr. McLean to visit him on shore. The keen and eager orator Taphana, one of the chiefs captured at Rangiriri, who subsequently escaped from the island Kawau, went on board the 'Luna,' and made a bold if not defiant speech to McLean and Wi Tako. They replied, and McLean declared that Wi Tako's advocacy of the blessings of peace was most effective. Taphana relented, and became friendly. On shore, Tu Tawhiao, "a fine young man 19 years old," and other chiefs, met McLean and Wi Tako with

cordiality, and accepted an invitation to visit Sir George Arney on board of the 'Luna.' McLean reported that "Tu Tawhiao at first displayed considerable emotion, no doubt feeling that by this act he had broken the barriers which had so long separated Europeans from his people." He asked that the vessel might be delayed until he could communicate with his father, but Mr. McLean could only promise that he would himself return to Kawhia. As the 'Luna' left the harbour the Maoris on the shore gave three English cheers, which were answered from the vessel. Mr. McLean congratulated Sir George Arney on the remarkable and auspicious event which had thus occurred at the commencement of his administration. Sir George Arney informed the Secretary of State that "nothing could be of fairer promise than was the whole bearing of Tu Tawhiao. His demeanour was dignified, yet modest and becoming. On being presented to myself he bid me the usual Maori salutation, *Tenā kōhū*, not with the jaunty—even bantering—air often assumed by the natives, but slowly, and with a tone of intense melancholy. He then stood before me awhile, with his right hand in mine, his head drooping, in silence, and under visible emotion, until suddenly he drew back, retreated to a bench at the side of the deck, and there sat for a considerable time between two attendant chiefs, his head bent down, his face buried in his two hands, and in silence. At length he rose, stepped forward and again shook hands with me, after which he preserved a more assured composure. The whole conduct of the young man led me to the same conclusion as that formed by the Native Minister, viz. that Tu Tawhiao attributed to his own visit the significance of breaking down the barriers of isolation, and pledging himself henceforth to a reconciliation with the Europeans."

The material progress of New Zealand during Sir George Bowen's tenure of office may be briefly recorded. It cannot be said to have been fostered by legislation, but proves that the expansion of a colony containing natural advantages will take place in spite of faults in government. The population, 218,668 in 1867, was 279,560 at the end of 1872. The export of gold had fallen from £2,700,275 to £1,730,992; but it was natural that the hoarded wealth of ages should be grasped in larger quantities by early seekers than by the gleaners who followed



them. The value of wool exported had risen from a million and a half to two millions and a half sterling. The New Zealand flax exported had sprung from £4256 to £99,405. The Kauri gum had risen from £77,491 to £99,405. Of wheat, provisions, tallow, timber, and minor articles, the exported value had mounted from £116,834 to £584,703. The ordinary revenue had declined from £1,195,512 to £1,005,942; the territorial had increased from £561,730 to £618,772. The total imports were £5,344,607 in 1867, and £5,142,951 in 1872; but the importation of capital and labour required for the public works and immigration schemes, the rapid increase of population which would be an inevitable consequence, and the facilities of communication which would be afforded by the hundreds of miles of railway, the construction of which was in progress, were rightly regarded as sure to remedy, at least for a time, the decline in that table of figures which is the gospel of men of the Manchester school. The electric telegraph already throbbed over much of the island. There were 714 miles of line in 1867. In 1872 there were 2312. The postal revenue had risen from £55,331 to £94,733. There were nearly 10,000,000 of sheep in the islands, which showed an increase of nearly a million and a half since 1867; and the horned cattle had multiplied from 312,000 to 436,000.

A laudable ambition had prompted the authorities of the universities of New Zealand, and of Otago, to petition for the issue of Royal charters recognizing their degrees as entitled to special rank and consideration throughout the Queen's dominions. The Waterhouse Ministry supported the petitions. Earl Kimberley shrunk from advising the grant of charters to two, or to an indefinitely larger number of universities in the colony. He had thought that the university constituted by an Act of the General Legislature would be looked upon as the central university, and would wait for further information as to the views of the General Assembly. His suggestion was well received. The original Act, founding the New Zealand University in 1870, and enabling the Otago University to merge itself by arrangement with the general university, was repealed by a new Act (1874), reconstituting the New Zealand University, and recognizing it as the institution which was to confer degrees in

the colony. The authorities of the Otago University concurred in the arrangements made, and the Queen granted a charter. Mr. Henry John Tancred, one of the members of the first Ministry appointed by Governor Browne in 1856, was elected Chancellor by his brother Councillors in 1871, and was re-elected in 1873 and in 1875. The office of Vice-Chancellor was similarly conferred on Mr. Hugh Carleton, previously mentioned in these pages. Mr. Fitzherbert, Mr. Gisborne, Mr. Rolleston, and Mr. Stafford were amongst the public men appointed by the Governor in Council to control the university when it was first created in 1870, and an amending Act in 1874 confirmed them and others in their positions. Letters patent of a later date gave rank and precedence to degrees conferred by the University of New Zealand, equal to the degrees conferred by universities of the United Kingdom.

Sir George Arney administered the Government for nearly three months before Sir James Fergusson's arrival on the 14th June, 1873. As it was his duty, so it was his care, to avoid disturbance or change. An event occurred, however, in April, calculated to warn the colonists of the thin crust which separated them from the volcanic fires which lay under what was called the native question. The Maoris were in many districts resuming agricultural operations, but the Civil Commissioners and resident magistrates were compelled to report that there was a growing addiction to strong drink, and that the rising generation were not so fine a race as their progenitors. The chief Katene was complimented upon having energetically promoted roads and public works in the north, and there was a touching eagerness shown in many places to establish schools and keep the Maori in the van of knowledge. Tamaikowha, against whom Colonel St. John had made a midnight attack after peace had been arranged with him, was employed in making a road from Ohiwa to his own pah in the Maketu district. The Maori mind was intent upon Mr. McLean's proposition to form councils of chiefs in native districts. Mr. H. T. Clarke, so long engaged in the Bay of Plenty territories, uttered a warning voice as to the risk of collision, by reason of the eagerness of European speculators and runholders. Friendly relations with the Ngati-haua (the deceased king-maker's tribe) ought to be encouraged,

inasmuch, as "in the event of a conflict with the Waikato, should such a calamity arise, altered relations with the Ngatihaua would tend greatly to the security of the Bay of Plenty districts." At Wanganui, Rangihwinui was commended for having declared that he would look to the law, and to the law alone, for redress of land grievances between his people and their Ngatiraukawa opponents in a dispute which had rankled for years. He had subscribed largely towards the erection of a mill at Pipiriki, in order to win back to their old homes the tribes which had been scattered by the war; and McLean promised a Government subsidy of £50 for every mill erected.

Suddenly, in the quarter where Mr. Clarke apprehended danger, amid the Ngatihaua territory, a deed of blood threatened to revive the animosities of the past. The territory of the tribe at the place was about 400,000 acres. Confiscation under the New Zealand Settlements Act had taken from them 150,000 acres. They had alienated rather a larger quantity by lease or sale to Europeans. Of the remaining 90,000 acres about 50,000 were claimed by a "hapu" unfriendly to the remnant of the followers of the late Te Waharoa the king-maker. That remnant, nevertheless, could put fighting-men into the field. Many of them were Hau Haus, and would probably meet sympathy among the king's adherents. Blocks of land in their territory had been surveyed, and the Native Lands Court had, in 1867 and 1868, investigated the title and issued certificates. The surveyor swore that when making his survey of the Pukekura block he was opposed by two Maoris, Tima and Mohi Purukutu. Mohi declared that a portion of the land was outside of the Government boundary. The Court found that a large number of natives living with the king at Tokangamutu had claims on the land, but it nevertheless issued a certificate in favour of 26 named Ngatihaua claimants; and subsequently a Crown grant was issued to 10 Maoris recommended by the claimants as the persons who were to hold the land in trust for the owners in terms of the Act. One Captain Wilson obtained a lease of the block, and transferred his lease to Messrs. Walker and Douglas, who placed stock on the land without delay. In September, 1870, three cattle were shot. In July, 1871, a hut was burnt on the land, and sheep and cattle were driven away. In



1872, Mohi Purukutu harassed the cattle running on the land. A meeting of the friends of the king was held in January, 1873, at Maungatautari, and a king's messenger said that the cattle ought to be removed. Mohi Purukutu was the keeper of the march (the king's aukati in the neighbourhood), and after the Maungatautari meeting associated nine others as his "comites," with Maori titles equivalent to marquis and count. Unfortunately Mr. McLean's wariness was not brought to bear on these dangerous symptoms. In February, 1873, two of the border counts saw some Europeans digging near Rotorangi on land which had been purchased, and Paora Tuhua struck one of them. The assailant was seized, but was released immediately. Mohi Purukutu threatened worse proceedings, not only against Europeans but against natives who had concurred in letting or selling the land. On the 23rd April, a Maori, Parakaia, searching for a horse was seized by Mohi Purukutu and two armed companions, who carried him off to their settlement. They questioned him sharply, but agreed to spare his life on finding that he had taken no part in leases or sales of land. Some of the band kept guard over him while seven went on an expedition. At daylight on the 25th they returned, and saying that "slaying had taken place," they released their captive. The man slain was one Timothy Sullivan. With two other men he had been engaged on the 24th April making a fascine road outside the confiscated boundary. They knew that they were beyond that boundary. While gathering firewood, one of them looked up and saw natives. It must have been felt that the transgression of the confiscated boundary was a source of danger, for the man cried out to his companions, "We are dead men, the natives are upon us." All three ran. After a few minutes Sullivan called out, "I am done, I shall stand. Good-bye; take care of yourselves." He endeavoured to hide in some under-wood. The others held on their course for two miles, but they heard a shot fired near Sullivan's hiding-place. When they reached the confiscated boundary, the leading Maori fired a parting shot and called off the pursuers. Sullivan's body was found mutilated. The head had been taken away. One of the successful runaways testified that a friendly Maori had warned him that the Europeans must be cautious, for that natives were

out in the fern, but he said, "The reason why I did not take the warning was that I had been so often warned before." Therefore he did not warn his employers as the Maoris requested him to do. He thought that the man who shot Sullivan was Te Pouturura, and suggested rather than identified the names of the two others. The inquest resulted in a verdict that Sullivan was "wilfully and brutally murdered by Pere Te Pouturura and three other natives, names unknown, but one supposed to be a native named Whira, and another named Paora; and that the Government be requested to adopt such measures as will effectually prevent the recurrence of such horrible outrages."

How much mischief might have been done by prompt seizure of the Maoris named, may be inferred from the official report of Mr. James Mackay, junr., who was sent by the Government to inquire into the circumstances. "The finding of the jury has since been discovered to be incorrect, and that none of the persons mentioned in the verdict were present at the time." The perpetrators, with customary Maori candour, made no secret of their work, and Mohi Purukutu, and Hori Te Tumu, claimed to have done the deed. A significant report was also made by Mr. Mair in June. "The unfortunate murder of Sullivan, while working on leased land, now admitted to belong to Mohi Purukutu, but leased to Europeans by others, furnishes considerable cause for uneasiness." Mr. Mair acquitted the Maori king of any responsibility for the murder; he was indeed using his influence to withdraw Mohi Purukutu and other dangerous persons to his residence where he might control them. But his influence was not great. Mr. Mair said: "In consequence of the repeated warnings about the selling and leasing of land, very few of the kingites will admit that the slaying of Sullivan at Pukekura is a 'kohuru' (murder); with them it is simply a 'patu' (killing). At the same time they think it only natural that we should expect 'utu' (payment) for Sullivan's blood, and if Purukutu could be secured quietly, I believe that they would willingly let the matter rest; but the open advance of a European force into the king country, even for the avowed purpose of pursuing the murderers of Sullivan, or the occupation of Kawhia, would I am satisfied lead to a war all along on Waikato frontier. Ngatimaniapoto as a tribe might for a time

stand aloof, but the well-known Maori lust for excitement, reckless of consequences, would be too much for the hot blood of so warlike a people. Te Kooti does not appear to exert his influence for evil, his desire being to live at peace, but should the tribe go to war, he would, I am convinced, again come to the front."

Recently Rewi had been peaceful. There had been a meeting at Maungatautari in January. Tamati Ngapora and Rewi, with their friends, had there met the Arawa, the Ngatihaua, and other tribes, and in the midst of a long discussion, when a chief said that he wished to be relieved from his oath of allegiance to the Maori king, Rewi stepped forward and said: "That oath no longer binds, inasmuch as I was the cause of the shedding of blood" (in the wars). The Government sent Mr. J. Mackay, junr., at once to Cambridge to investigate the circumstances of Sullivan's murder, and of the Pukekura block. He called on the principal Ngatihaua chief to surrender the murderers. He wrote to Tawhiao, to Rewi, and to Tamati Ngapora, asking their opinions. He soon learned that the king's party disapproved of the murder, but that they attributed it to unauthorized meddling with lands. He did not ascertain until the 16th May that the finding of the coroner's inquest was erroneous, and in the mean time an attack had been made upon his own life at the camp of the Maori king. Receiving no answer to his letters to Tokangamutu, and learning that Tamati Ngapora had written to say that Mr. Mackay could go "to Tokangamutu if he liked," Mr. Mackay left Alexandra on the 5th May, accompanied by Hone te One, a native assessor; Warana, a native policeman; and Eruera Hororiri, a Ngatihaua Hau Hau. Arriving at Te Kuiti, Hone te One was invited to go with Mr. Mackay to the house of Tamati Ngapora, but declined, as it had been arranged that Mr. Mackay should stay elsewhere. Food was brought and natives called to see the visitor, who went to bed at eight o'clock. After an hour, the king's son, Tu Tawhiao, with his wife and three chiefs, called, and their guest conversed with them for an hour and a half. Tu Tawhiao, noticing that the air was cool, said he would bring a blanket to keep Mr. Mackay warm. He did so, and the visitor slept soundly until morning. He was then surprised to hear a Hau Hau religious service in the open air,



such ceremonies being usually confined to houses, but he did not rise. A native named Ruru walked into the tent, and made a blow at him with a native weapon, which, though partially warded off, wounded his temple. A struggle ensued; Mackay seized the hands of his assailant, and called out that he had been struck. A native, Parawhenua, rushed into the tent followed by Mr. Mackay's companions, and Ruru was dragged away. When Mr. Mackay was washing the blood from his face by the Mangaokewa stream, Rewi rushed up to him, and said: "I am Rewi. Come with me. If I wanted to kill a person I would do it openly, not thus." He turned to his people, and said in their figurative language: "Do not slay me in this manner." He bandaged the wounded man and took him to his house. As they went thither Mackay heard Maoris saying: "Let Mackay kill Ruru." He replied: "No; let Ruru be tried by law; death is not the punishment for an assault." After a repast Rewi addressed his people: "My name is Mackay. We are all Mackays. I am a fighting man, a bad man, but I would not kill a man in my house. After a man comes to my place and sleeps in it, I could not kill him." But Mackay could not see Tawhiao or Tamati Ngapora. The mind of the latter was dark because of the deed of Ruru. He sent his daughter, Te Reinga, to say that Mackay had better tell his tale to Rewi and depart. At night Mackay slept in a house protected by 60 of Rewi's people. On the 7th, he again wrote to Tamati Ngapora, asking for an interview. On the same day, with a guard of 25 of Rewi's horsemen, he went to Te Uira, Rewi taunting the Waikatos by crying aloud: "See how we low people of Ngati-maniapoto will treat you. If you are killed, my neck shall be the payment." At Te Uira, Mackay saw Te Kooti and shrunk from conversation, but Te Kooti insisted on telling how he had been wronged by deportation to the Chatham Islands, when innocent of rebellion, and fresh from fighting for the English at Waerengahika. Rewi arrived at Te Uira on the following morning at daylight, but had no comfort to give about an interview with the king or his council, nor would he himself say more than that the subject of the murder of Sullivan would be considered. He showed how accurately he had been informed about it: "I have heard that the Maoris who killed the Pakeha

(Sullivan) at Pukekura chased another man named Jones, fired at him, and when Jones reached the boundary of the confiscated lands, called out: "Stop, Jones, there is an end of it; you are at the boundary." Mackay said: "Yes, that took place. Jones says so." "Then," rejoined Rewi, "do you not see that the Maori thought that he was acting according to the law? The king said, 'Do not lease the lands outside the boundary.' They are leased and the Europeans are therefore killed. If you demand the slayers they will not be given up." With a body-guard of 19 men provided by Rewi, Mackay rode back to Alexandra, and thence returned to Cambridge, where the Government, assisted by Te Wheoro and Kukutai, established patrols and redoubts for the protection of the district. Te Wheoro had a contingent of 60 men. At the suggestion of Mr. Mackay the Government withdrew some survey-parties from the Ngatiraukawa district, where attacks were threatened because the friends of the English were surveying lands for leasing purposes against the will of the Hau Hau owners, or part owners, of the same tribe. After a time Tawhiao kept Purukutu out of further mischief by sending for him to Tokangamutu, where rumour stated that it was his custom to be always armed.

When Sir George Grey quitted the Government in 1868, brief space had been allotted to Sir George Bowen before mismanagement on the west coast under Mr. Stafford roused Titokowaru to war, and incited Te Kooti to break his bonds. It almost seemed as if before the new Governor could arrive, in 1873, the Waikato frontier was to be in a blaze. But Donald McLean averted the danger. Sir George Arney informed the Secretary of State that it was deemed unwise to pursue Sullivan's murderers, who were lying in wait, ready to be attacked, and hoping that an assault upon them would rouse Ngatimaniapoto and Waikato to their aid. It had therefore been determined to appeal to Tawhiao, through the mission of Mr. Mackay, and by other methods. Many chiefs of many tribes warmly expressed their disgust at the murder of Sullivan, and at a meeting of Ngatihaua and Waikato chiefs at Tamahere, on the 5th May, a committee was appointed to take measures for the capture of the murderers. The Ngapuhi tribe offered their services as usual to uphold the law. The Government resolved

"to treat the outrage as an ordinary case of murder;" to secure if possible the aid of Maoris in arresting Purukutu and his comrades, and by no means to endanger peaceful relations with the Maori king, or embroil the centre of the island in war. When the Assembly met in July, Sir James Fergusson's speech dwelt more on the renewed declarations of loyalty made by friendly chiefs than on the atrocity committed, and announced the grounds on which the Government had abstained from precipitating a war. Both Houses accepted the policy of Mr. McLean. Once or twice during the session questions were asked, but the position of the Government was not seriously challenged. The fact that Purukutu was really an owner whose interests in the Pukekura block, though asserted, had been unjustly neglected, was not forgotten in a Native Land Bill which Mr. McLean found it necessary to introduce, and in the preparation of which the kindly Sir William Martin lent his assistance. Almost for the first time was heard a voice expressing doubt whether the Maoris were destined to disappear from the face of the land.

A more accurate census than had previously been obtained proved, in 1874, that their numbers were rather greater than had been believed.

	<i>Males.</i>	<i>Females.</i>	<i>Total.</i>
There were in the North Island, .	23,639	19,769	43,408
In the Middle Island, . . . .	1,417	1,191	2,608
Total,	<u>25,056</u>	<u>20,960</u>	<u>46,016</u>

It will be remembered that the returns furnished to Sir George Bowen in 1868 ascribed to the North Island, 37,017, and to the Middle Island, 1500, making a total Maori population of 38,517; and though many hundreds had fallen in the field in the mean time, the later census showed that the actual Maori population was larger by nearly 20 per cent. than had been supposed. Mr. Fitzherbert declared that the race was not in his opinion destined to be swept away so rapidly as some who professed to be great authorities imagined, "and he saw no reason, looking at the matter from any point of view, why such a consummation should be expected. He believed the natives would yet form an important part of the permanent population of the country."



Mr. McLean's Land Bill thrust more responsibility on the Government than had been necessary under former Bills, and gave them more power to restrain improper traffic in land. It professed to guard the native reserves as an ancestral patrimony inalienable by its temporary occupants ; it threw on the Government the charge of the surveys of lands, leaving it to make necessary arrangements for the recouping of the cost ; it removed the crying evil complained of by the Maoris,—that any litigious member of a tribe could force upon the Land Court the investigation of a title when the tribe who were joint-owners were almost unanimous against it. It required that, not ten names only, but that those of all native owners, should be included in a grant. Mr. McLean declared that the native members had made "valuable and thoughtful suggestions" which he had embodied in the Bill. Critical members almost shrunk from the task of analyzing the Bill, which Mr. Rolleston pointed out was hopeless in face of the fact that "last session it was impossible in the view of a considerable number of the members for any Government to exist that had not Mr. McLean in it." Mr. Gillies, while supporting the Bill, objected to the power reserved for the Government to stop proceedings in the Land Court. Takamoana opposed the Bill because it had no retrospective action in regard to lands already unjustly dealt with. He did not approve of Mr. McLean's policy in many respects. Mr. McLean made statements in the House, and Takamoana observed that when the matters in question went "before the Courts, quite a different thing was done." Mr. Fitzherbert did not oppose the Bill, but objected to the provision that the lands of original native owners should be unaffected by provincial or county laws. With his views that the Maoris would not vanish from the land, he thought it monstrous that their lands should for ever be exempt from local taxation. He saw danger in legalizing large purchases by speculators. It would be well to suspend all transactions temporarily. One person had negotiated for 50,000 acres, at fourpence an acre. How, if such things were allowed, could the Legislature afterwards burden the country to make roads and railways for the benefit of owners of lands thus acquired ? Parata supported the Bill, not because it was brought in by his honourable colleague (McLean), but because

it embodied a principle in vogue with Maoris for eleven years. He maintained that the Native Lands Courts had conferred great benefits, and averted frightful evils. The absence of compulsion in the new Bill was prized by Maoris. "As there was no great opposition, he would not waste time by entering into controversy with those who had brought forward arguments against the measure." Mr. Reader Wood supported the Bill. Mr. Sheehan, the first of the New Zealand legislators of European descent who could claim Maoria as the land of his birth, supported the second reading, but suggested many alterations, and after a short reply by "the great Maori mystery-man"—McLean—the second reading was agreed to without a division. There was one palpable blot in the Bill, and it was not removed. The Judges under the Act of 1865 held office during good behaviour, and their salaries were fixed. McLean, prone to personal government, and jealous of other authority than his own, left the salaries to be appropriated from time to time by the General Assembly, and gave the Governor (acting, of course, under McLean's advice) power to remove any Judge from time to time, and appoint another. Although the Bill contained this arbitrary power, McLean said: "The constitution of the Native Lands Court did not vary from what it was formerly, except that the Government from year to year would ask the House to vote the salaries of the Judges of the Native Land Court, and thus the House would exercise a control over this branch of the native service." Mr. Rolleston remarked that nothing could be more "mischievous than that the Judges, if they did not carry out the desires of a political body, should be liable to have their salaries reduced," but he raised no question as to the power to remove Judges "from time to time." Mr. T. B. Gillies, though a lawyer, "rather agreed" with McLean "in regard to the status of the Judges of the Native Land Courts." The student of constitutional history is aghast at the readiness with which the independence of Judges was imperilled by making their remuneration precarious, and subjecting their tenure of office to the caprices of an executive department.

Though passed without obstruction, the measure was not deemed a final settlement. In both Houses warning voices were heard. Seeds of war or of confusion were espied. Mr.

Sewell prophesied evil from the attempt to force upon the natives individual titles in subversion of tribal rights. The substitution of each owner's name in the grant instead of the ten names held to be sufficient under the existing law did not remove the blot complained of, because the fixing of the proportionate share of each owner disintegrated the tribal rights. Was not the blunder of neglecting Purukutu's claim the cause of Sullivan's death at the Pukekura block? Wi Tako Ngatata entreated that time might be given to the Maoris to consider the Bill. He had presented petitions from Rangihwinui and others, who declared that they could not concur with it. Tika-wenga te Tau and 44 other chiefs had petitioned that the Bill might be circulated for a year amongst the Maoris, so that they might be able to consider it. Henare Matua and 29 others had arrived at Wellington from the east coast, with a commission from 1661 of their countrymen to protest against the Bill and other contemplated measures. "We have," they said, "suffered from mortgages, from sales of land, and spirituous liquors; . . . we trust you will permit our land to abide with us, for such was the Queen's promise at the treaty of Waitangi in 1840. The same promise was renewed by Governor Browne (at Kohimarama). Friend, Mr. Speaker, . . . the Queen has certainly no desire to see her Maori people, her New Zealand subjects, live without estate. Should you nevertheless sanction these laws, then our very existence will be crucified. . . . We ought to project laws for ourselves, inasmuch as you have been these 32 years enacting laws for the Maori people, and grievances to the Maoris are the only results of your labour and your guidance."

It may seem incredible that, after Mr. Mantell's motion was carried in 1872, the New Zealand Ministry had done nothing in the way of compliance with the resolution that Bills affecting the Maoris should be translated for their information. The defect was exposed by Mr. Mantell himself. He moved for a return showing the titles of the Bills translated, and the dates at which they had been circulated. Dr. Pollen, the new leader of the Council, confessed with a kind of shame that the return would be—*nil*. Mr. Mantell, never weary of asking for justice, carried his motion, and the return, when furnished, was a blank.



It was natural for Wi Tako Ngatata to demand time to consider the new Bills. It was not unnatural that the Vogel Government should be careless about compliance.

The Native Lands Bill was passed with amendments added in the Council. The warnings of Mr. Fitzherbert were justified by events. Rogues and capitalists plied their various arts to cajole the Maoris and procure their lands. McLean probably had not intended to promote those arts; but it was difficult to resist the pertinacious pressure of the active schemers whom he was unwilling to offend.

A Native Reserves Bill, brought in by Mr. McLean, proposed that the receipts and expenditure in connection with the reserves should be published annually in the Maori language. It consolidated and amended the existing law on the subject. It will be remembered that in the early occupation of New Zealand it had been customary for the purchasers from Maoris to make reserves for behoof of the natives. If the purchasers desired even to appear honest, such reserves were absolutely essential; for Mr. E. J. Wakefield, a son of Edward Gibbon Wakefield, told the House in 1873 that the claims of the New Zealand Company with those of private purchasers amounted to 13,000,000 acres more than were comprised in the islands of New Zealand. The "tenths" which the New Zealand Company allotted would have left to the Maoris 5,000,000 acres, if under the circumstances such a quantity could be found for them. Other instructive remarks were elicited in 1873. Mr. Sheehan stated that he "could name scores of instances in which the land had mostly gone in paying for the survey and recovering the survey fees." Against one block surveyed for about £25 there was a judgment obtained for £120, and it was about to be "sold by public auction to satisfy the surveyor, and to pay the expenses attendant on enforcing his claim." Wi Tako Ngatata said that the prevailing difference between the Pakeha and the Maori was that the Pakeha had for 30 years always tried to rob the Maori; and Dr. Pollen, who represented the Government, declared: "I have myself seen natives hovering about the streets of Auckland who owned an estate of 30,000 acres against which there was a surveyor's charge of some £150 or £200, and I have known that estate sold for one shilling an acre

to pay the surveyors. The unfortunate proprietors left the town without a sixpence in their pockets, feeling that their estate had been unjustly and ruthlessly sacrificed."

A nefarious scheme was dragged to light by Dr. Pollen to prove in what manner the Maoris were made the "victims of licensed interpreters, land-sharks, and lawyers." There was a block of 48,000 acres of land, between Napier and Taupo, with natural boundaries so complete as to require only three or four miles of fencing to enclose it. "That land was let, or purported to be let, by the native owners, for what did the Council think? £18 a year!—48,000 acres of land for £18 a year! In the document which purported to be the lease there was a covenant inserted to the effect that at the termination of the lease the natives should pay to the lessee compensation for every kind of improvement he might have effected upon it during the term of the lease. What did that mean but absolute confiscation of the land? But there was more to be said about this particular transaction. The clause which he had just referred to in the deed was ruled over with a black pigment of some kind, as if it were meant to be an erasure. There was not the usual memorandum in the margin, showing that the erasure had been effected at the time the deed was signed; there was nothing to show when or how it was done. The whole affair seemed very remarkable. It struck him that the colour of the ink was unusual, and he took the document into a survey-office, and having asked one of the draftsmen what was the character of the ink, he took a sponge and showed that it was quite possible to wipe out the erasure by simply washing it over. That came within his knowledge in his capacity as Commissioner. It was an extreme case, but it illustrated the system of fraud, under the authority of the law, the natives had been subjected to for years." Such were the acts which goaded the Maoris. These were the tricks of civilization which made them appeal across the ocean to the Queen for some impartial Judge to stand between them and Governor Browne's advisers, who hurried him into the Waitara war. As their arms remained to them when they were robbed of their lands, who can wonder that they used them? Which was the viler act—the artifice of the cultivated thief, exposed by Dr. Pollen, or the deed of Mohi

Purukutu, called the murderer of Sullivan, who slew one trespasser on his land, pursued another to the boundary where his rights ceased, and then cried out, "Stop; there is an end of it; you are at the aukati"?

It was impossible that in any assembly containing an English gentleman redress should not be sought for such grievances. Sir William Martin was at hand to strive for justice. Mr. McLean declared in debate that he was about to add clauses to the Native Reserves Bill which Sir W. Martin had suggested. Takamoana was not satisfied with the Bill. It did not define the reserves. The Assembly was making many laws, so many indeed that the Maoris were not able to carry them all on their backs—they had better be provided with a cart to put them in—but he did not approve of a Bill which did not explain clearly what it meant. Taiaroa objected to the whole Bill. If he should stand alone in the House he would vote against it. Mr. Sheehan and Mr. Gillies animadverted upon its defects; the latter declaiming against the power placed in the hands of the Government and its officers; but after debates in which Mr. Fitzherbert and Mr. Fox took part, and Mr. Rolleston said that nothing new which was in the Bill was good, Mr. McLean steered it safely through the Lower House. In the Council the two Maori members found friendly aid in the Standing Orders. Mr. Pharazyn pointed out the neglect of the order that Bills relating to Maoris should be translated and printed. The Speaker could not allow the Bill to be proceeded with unless on suspension of the Standing Orders. Wi Tako Ngatata asked Dr. Pollen not to be in a hurry, but to wait until the Bill was translated and understood; and the second reading was deferred. When, subsequently, Dr. Pollen moved it, Wi Tako Ngatata vehemently objected to the powers given to the Commissioners to manage the Maori lands. "Why should our lands and our houses be taken care of? My house is my own; my coat is my own;—why should they be interfered with? Have you Europeans a similar law? I believe not. And this law is to apply only to the Maori. . . . For what reason was I invited to this Council? Why was there not a reserve put upon me? Let us have no such provision made for the Maoris. You tell us that we are equal to you. . . . Do not enact that the Maoris shall be treated



in one way and the Europeans in another. That is wrong. Now listen. It is thirty years since the European came here, and there is this difference between him and the Maori ; that it was the European who had the desire to rob the native. My opinion of the Bill is that it is wrong. I asked that it should be translated so that the tribes should be able to read it for themselves. These two things I cannot do. I cannot read English and I cannot understand it ; and that is the reason my people have presented to you a petition upon the subject of printing Bills in our language. I wish you to know that I am well-disposed towards you, as I now live amongst you. We have assisted the Europeans when we have been disregarded by our friends ; and our property has been taken from us. We had no disturbances till these laws were introduced, and I am forced to believe with regard to this Bill, that you are now tying us up with a rope, and placing us in the position of horses. You tie the Maoris to a post, and the Commissioners are to come and take care of us. We have no affection for this. . . . You know a great deal about legislation. You say our lands should be taken for the benefit of the natives ; and our lands are taken, and our children are to be taught the English language. And after they come out of the schools what land are they to live upon ? Are they to live upon the earth, or fly like the pigeon ? What is the good of saying that the Maori children shall be educated in English ? When you take the land from under them what is the good of education ? Serious thoughts have oppressed me during the few last years. I have not seen any justice done by the Europeans lately. . . . As to Commissioners being appointed, that is something new. They are to be substitutes for the Queen. It is not right that somebody else should take care of my house and land. I can take care of them, and of my wife, and of my children too. It pains me much to see these laws passed. . . . My people have seen this Bill, and they say it will be like the time of Pharaoh when the yoke was placed upon the necks of the children of Israel. The same thing is being done now. Whilst we live we can ward off dangers, but when we are dead our children will be like the children of Israel. Our lands will all be in the hands of Commissioners. What I have to say upon the subject is, that if you

wish this Bill to be read, I am quite agreeable that it shall be read—this day six months.”

The indignant chief made the necessary formal amendment. Mokena Kohere seconded the amendment and briefly declared his agreement with Ngatata. Colonel Whitmore supported the chiefs. Mr. Mantell was “not surprised that the natives were opposed to this abominable measure.” He read to the Council some words spoken there ten years before : “I was present when the treaty of Waitangi was made, and an attentive and an anxious listener to all that passed. I heard Her Majesty’s representative arguing, explaining, promising to the natives, pledging the honour of the Queen and of the British people for the due observance of it ; giving upon the honour of an English gentleman the broadest interpretation to the words in which the treaty was couched. The ink was scarcely dry on that treaty before the suspicions which had been temporarily allayed by the promises of the Governor were awakened with redoubled force ; and I need scarcely remind the Council that from that time to this every action of ours affecting the natives has presented itself to their eyes, and has been capable of that interpretation, as showing that the one object and business of Europeans in New Zealand was to obtain possession of the lands of the natives, *recte si possint, si non quocunque modo*. Before we talk of the duties of the native to us we ought to be able to show that some of the duties which the Crown undertook to discharge to the native people have been so discharged. I ask any one to point out on the statutes of this colony any of those measures which might fairly be said to have fulfilled any of those obligations which devolved upon the Crown at that time.” “Those,” said Mr. Mantell, “are remarkable words. They come from an authority which even the honourable gentleman representing the Government will not question—from the Honourable Dr. Pollen. I hope the time will come when we shall see him in a position to give utterance again, unfettered, to similar sentiments.” Mr. Mantell denounced the clauses which gave power to Commissioners to extinguish native titles and vest land in Her Majesty as a reserve subject to the operation of the Act. He would be ashamed to give his assent to such iniquitous provisions. He entreated the Council to listen to the request of

Wi Tako Ngatata. Mr. Waterhouse, on the other hand, urged that to throw out the Bill would leave the existing law in force, and that it contained many of the objectionable principles embodied in the Bill. Let them rather strive to amend the Bill. If they could not insert the required amendments, Mr. Waterhouse would join in opposing the third reading. Dr. Pollen did not attempt to answer his own words. He complimented the intelligence and ability of his "honourable friend, Ngatata," and undertook to avail himself gratefully of assistance in amending the Bill, which was read a second time by 20 votes against 10. On the following day, however, Dr. Pollen thought fit to submit the Bill to the rare ordeal of a Select Committee, on which he placed Ngatata. The Committee amended the Bill in such a manner that some who opposed the second reading voted in favour of the third, but Mr. Mantell and Mr. Pharazyn were hostile to the end. One amendment may be cited as a proof that Ngatata's appeal to the Council was not wholly in vain. "In every district created under this Act there shall be elected by the natives resident in the district from amongst themselves . . . three persons as Assistant Commissioners, who, together with the Native Reserve Commissioners, . . . shall form a Board of Direction for the administration of the native reserves in such district. . . . The Native Reserves Commissioner shall from time to time . . . call a meeting of the Board, who shall by a majority of its members decide on all matters connected with native reserves in the district for which they are constituted, &c." The Representatives agreed to the amendments made by the Council.

Mr. McLean was unable to carry a Native Councils Bill through the troubled waters of the session, and withdrew it in the Lower House, promising to introduce it afresh in 1874. Parata consented to the withdrawal, declaring at the same time that the Maoris were anxious for such a measure, which would enable them in remote districts to find redress for their differences. The shade of the king-maker Te Waharoa might have been somewhat appeased at finding ascendant in the "English Committee" one of the principles to which he devoted his life. A Native Grantees Bill was passed to remedy grievances suffered by native grantees under Crown grants. The Bill



Bill afflicted their tenancy. Dr. Sewell and Mr. Hart discussed the legal bearings of the question from hostile points of view. Colonel Whitmore could not learn from their arguments how to decide, and advocated delay, though the session was almost at an end. Mr. Waterhouse derived as little help from the lawyers as Colonel Whitmore, but said "it was satisfactory that they had in the Council honourable members of the native race who had been successful in understanding the Bill, and he would compliment the Council on the fact that the natives comprehended a Bill that was beyond the comprehension of the rest of the Council." Supported thus the Bill was passed on the 1st October.

Taiaroa was unsuccessful in establishing the claims of the natives in the Middle Island. He obtained a Committee which reported to the House on the antepenultimate day of the session.

Mr. McLean opposed the adoption of the report. It might lead to "forfeiture of a large proportion of the public estate." Mr. Rolleston and Mr. Fox objected also. Taiaroa had a word to say. Why did not Mr. McLean and Mr. Rolleston attend the Committee of which they were members? There was no trouble likely to flow from adopting the report. "It said that the Government should in the first place consider the claims of the Maoris; and the appointment of Commissioners, one by the Government, and one by the natives, was only an alternative course, . . . promises had been left unfulfilled for the last 25 or 26 years; he would like to know why the member for Avon and the Native Minister who had been connected with the Government had not caused those promises to be sooner fulfilled. It was on these promises that the land in the Middle Island was sold, and they ought therefore to be fulfilled. . . . If these promises were not fulfilled he would be compelled to accuse the Europeans of having committed a great crime. He would be glad that the Government should take the matter in hand; but if they did not there was a Parliament of greater magnitude than this in another part of the world to which the natives could have recourse." After this appeal, Mr. Sheehan formally moved the adoption of the report, but found so few to aid him that he was glad to withdraw his motion on the assurance that the

Government would endeavour to settle the matter fairly during the recess.

The conduct of the 'Waka Maori' newspaper, which was in 1877 to shake a Government to its foundations, was made the subject of comment in 1873. On appeal from Mr. Stafford, Mr. Waterhouse had in January, 1873, promised that no partisan spirit should be permitted to appear in it; and Mr. Mantell, to enable the public to watch the paper, carried a motion that for the future the 'Waka Maori' should be printed in English and in Maori in parallel columns. The article complained of by Mr. Stafford was a long indictment of himself, and a loud panegyric upon Mr. McLean when that gentleman resumed office in 1872.

The difficulty of coercing a Legislative Council has always provoked the indignation of the leader of the larger House, where to sustain his position he must make promises which it is not in his power to keep while another House has a free voice. A glaring attempt to overwhelm a nominee Upper House in New South Wales by the sudden creation of a number of members in order to carry a particular measure had been foiled by peculiar circumstances, which became known in New Zealand, and the members of the Council were on the alert to guard the rights of the people of which they were the depository. The busy brain of Mr. Vogel was equally vigilant, and the Ministry devised a plan formed upon the model which in England had been condemned in the House of Lords stirred by the eloquence of Lord Lyndhurst when more than 80 years old.

The day after the Assembly met, Dr. Pollen introduced a Bill to provide that all persons summoned in future to the Council should hold their seats for a limited period instead of for life. By judicious arts, such as were denounced in the House by Mr. Reader Wood when the Fox Ministry fell in 1872, a pliant Council might be moulded to the will of Mr. Vogel. The measure was heralded by the Governor's opening speech as one "to initiate a reconstruction of the Legislative Council." A call of the Council was ordered for the consideration of the Bill. Mr. Waterhouse lost no time in moving for a Committee upon the best method of reconstructing the Council, and spoke elaborately upon the necessity for a Second Chamber and the best means of creating it. But the Council were

disinclined to be led by Mr. Waterhouse. They adjourned the debate until Dr. Pollen's Temporary Appointments Bill had been disposed of. He moved its second reading on the 7th August. Without debate it was rejected. Mr. Mantell, not content with a decision which left it open for a member to move the second reading on another day, moved on the 8th that the Bill be read a second time that day six months, and the motion was carried. Mr. Waterhouse's motion for a Select Committee on the Constitution of the Council fared no better. Another member proposed as an amendment, that the Council should appoint a Select Committee to consider the portion of the Governor's speech relating to the Council, and to report whether any, and if any what, alteration was desirable, but even this compromise was rejected by 19 votes against 12.

Mr. Vogel received fair warning that his measures would be considered on their merits by the existing members of the Council. He was permitted to increase the public burdens, by a new Loan Act for public works and immigration, to the extent of two millions sterling; and by a General Purposes Loan Act for three-quarters of a million. Vain objections were made in both Houses. By the first of the Bills power was given to the Government to buy land in the North Island from the natives at a cost of £500,000. A portion of the province of Canterbury was in an anomalous state. The watershed on the west coast which comprised the grandeur of Mount Cook and the lure of the Hokitika gold-fields had been in 1867 created the county of Westland. It had a County Council, but that Council had not legislative powers equal to those of the provinces. For redress of any inconvenience resort was made to the General Assembly. When the county was created there had been a prevalent impression that provincial powers would gradually be diminished, but up to 1873 no steps in that direction had been taken. Mr. Vogel, the ministerial manager, had always advocated provincial powers, and one of the charges which had driven him from office for a few weeks in 1872 was that he had manœuvred with the provinces to secure support in his immigration and public works policy. He brought in a "Bill to constitute the county of Westland a province." Serious discussion was avoided by hurrying on the second reading before members not in the



secret had had time to read it. Mr. Wakefield complained that it "had only been put into his hands five minutes previously, wet from the press." Such were the arts with which an English colony could be governed after its Representative Chamber had been moulded by the crowd attracted by gold. With amendments made by the Council, which led to interchange of reasons between the Houses, the Bill became law. Two other Bills calculated to enhance the powers or minister to the importance of the provinces were introduced by Mr. Vogel early in the session. On the 25th July, a Provincial Council Powers Bill was read a second time. It removed some of the restrictions which the Constitution Act imposed on the provinces with regard to establishing Courts of Judicature. It entrusted them *inter alia* with the control of valuation and assessment of property for rating purposes, of the law of fencing boundaries, of repairing by-ways, of the regulation of the sale of fermented and spirituous liquors. Mr. Vogel believed that "a Provincial Council would be better able to look after and attend to local requirements than the General Legislature." One member protested against such a provincial policy. It would, he said, "be better to hand over everything to the provinces and let them take the management of the Land Acts, the Customs, and be separate states at once." The Bill passed the Representative Chamber, but in the Council was encountered by an amendment moved by Mr. Waterhouse, to the effect that existing defects might best be met by general empowering Acts, leaving details to be arranged by the various provinces. By the narrow majority of one, Dr. Pollen failed on the 19th August to carry the Bill, which was ordered (by a majority of 17 to 9) on the motion of Colonel Kenny to be read a second time after six months. With an Education Bill of a permissive character the Government was hardly more fortunate. The industrious Vogel carried it through the House in spite of active opposition of enemies and half-hearted help from supporters. It was declared to be suspiciously akin to a Bill introduced two years previously by Mr. Fox, and found odious to the Otago province. Supported by Colonel Whitmore, Colonel Kenny, Mr. Waterhouse, Mr. Mantell, Mr. Miller, Mr. Hart, Mr. Acland, and Mr. Bonar, Dr. Pollen was able to conquer a vigorous attack made by Dr. Grace and Colonel Brett.

After a vain effort by Dr. Grace to paralyze the comprehensiveness of the Bill by providing that the rates levied on Roman Catholics should be granted to Roman Catholic schools as rates in aid, Pollen's efforts were successful, and the Bill passed through the Council with amendments. Messages and reasons were interchanged between the Houses at the close of the session, and the prorogation caused the Bill to die in the hands of the Representatives. It was difficult for the moving mind of the Ministry to determine under what guise the control of the colony could best be retained. As a provincialist he had in 1865 got rid of Mr. Weld, and in 1873 as on former occasions he bitterly complained that in 1865 he had only pulled chesnuts out of the fire for Mr. Stafford, who gave to the catspaw no fruit of its labours. Parties were so balanced that, fearing to offend either, he advocated a policy of equilibrium, with the natural result that neither was contented. Till a majority could be assured it was dangerous to declare too strongly for Provincialism or Centralism. In spite of taunts in both Houses about the phantom of equilibrium which eluded his embrace, Mr. Vogel pursued the arts by which he maintained his ground.

But financial questions pressed for settlement. Some of the ablest men in the colony had been adverse critics of the manner in which the public works policy had been carried out, and it was expedient to shift responsibility for blunders to vicarious shoulders. A Provincial Loans Bill was introduced to relieve the Central Government of a portion of the burden, and to permit the provinces to raise loans for certain purposes under restrictions for protection of the public credit. The measure was declared in the largest sense a Government measure, and no exertion was spared to secure a majority. The House rung with imputations that secret influences were resorted to. The measure itself bore on its face the marks of intrigue with provincial managers. In the financial statement made in July the Provincial Loans Bill had been foreshadowed; and it was announced that land in the provinces would be taken as security for loans for General Government works, viz. trunk railways. A province was to be debarred from pledging even its general revenue. Its creditors were to have no other security than that specified in the Loan Ordinance. The Government would not thencefor-

ward make any railway without security of landed estate placed in their hands. But provincialists murmured at these provisions, and it was difficult for the New Zealand showman to ascertain how to please those who had made him master of the ceremonies. The Canterbury and Otago provinces objected to their lands being taken for railway security. Other authorities sympathized with them. They proposed as an alternative that the colony should endow the North Island by borrowing £500,000 in order to purchase native lands therein. The Government agreed to distribute the sum sagaciously amongst the four provinces in the island. Auckland was to have £250,000; Wellington, £150,000; and Hawke's Bay and Taranaki, £50,000 each. This modification of their financial scheme was submitted when the Provincial Loans Bill was brought forward. It was warmly denounced. The change of front, and the motives of the Government in making it, were not spared. Mr. Gillies, Mr. Reader Wood, Mr. Stafford, Mr. Sheehan, Mr. Reid, Mr. Rolleston, and others could argue with asperity; but no majority could be secured against the Bill. One supporter of it, Mr. Steward, candidly stated that if it had not been brought down as it was with an intimation that the fate of the Government was involved, "it would have been immediately kicked out of the House." Mr. Fox threw himself with vigour into the fray on the side of the Government, and spoke with an air of authority which offended Mr. Fitzherbert, who intended to vote for the Bill, though hostile to some of its details. In an elaborate speech of considerable ability, Mr. Vogel wound up the debate. He for the first time appeared as an anti-provincialist. He and his colleagues were so. Other members always considered how their provinces would be affected by a measure. The Government only thought of the welfare of the whole colony. He asserted that in proportion to its resources New Zealand was not heavily burdened. He ran over the public debts of European nations, and proved to his own satisfaction that the colony compared favourably with any of them. He harped upon the virtues of Mr. McLean. "I feel absolutely certain that if the Government had been in the hands of Mr. Stafford and his colleagues we should be meeting now not to devise schemes for prosperous settlement, but for carrying on a sanguinary war. We owe to the moderation of



the Native Minister the fact that we have escaped war." The Bill was read a second time without a division, and passed through the Lower House, with many changes by which the Government eluded hostility. On the third reading, Mr. Wakefield made a vigorous onslaught, denouncing the Bill as a sop to the provinces, and a sham which would not really prevent provincial debts from becoming a burden on the whole colony. Mr. Reader Wood hinted that the Upper House would reject the Bill, but Mr. Vogel considered that it would "have a large respect for the House composed of the representatives of the people upon matters which more properly belonged to them than to a nominated Chamber." By 50 votes to 22 the third reading was carried on the 12th September. On the 17th, Dr. Pollen moved the second reading in the Council in a conciliatory speech, in which he pointed out that the maximum rate, 5 per cent. on the value of the land, was a reasonable limit fixed by the Bill with regard to special rates for particular works. Mr. Waterhouse, the late colleague of Mr. Vogel, was the first to throw down the gauntlet. He had approved the policy of the financial scheme, but to the change wrought out in the Bill to propitiate the provinces he was utterly opposed. There was a clause which provided that notwithstanding any Loan Ordinance creating a liability, the provincial revenues should be subject to be dealt with as if no such liability had been created. Only the special security described in the ordinance was to be held pledged. Such a clause was unparalleled in the annals of any Legislature. There was provision in it for a loan coupled with provision for its repudiation. Mr. Waterhouse affirmed that in the end the colony must become liable. Mr. Mantell moved that the Bill be read a second time that day six months. Mr. Sewell supported him. Several members declared that they would have supported the original scheme of the Budget-speech, but could not sanction the Provincial Loans Bill which had superseded it. Colonel Whitmore averred that it was a device by Mr. Vogel, an avowed provincialist, not to do good to the country, but to keep the Ministry in power; of a provincialist party to carry out a centralizing policy. He denounced the contemplated taxation as iniquitous because it fell on one class only—the owners and occupiers of land. Taxation should fall

fairly on all. With that and other Bills there would be a burden of seven shillings in the pound on the class affected. Colonel Kenny (from Auckland), Mr. Bonar (from Westland), Mr. Campbell (from Otago), Mr. Johnston (from Wellington), vigorously opposed the measure. Mr. Campbell pointed out that already seven Provincial Borrowing Bills were before the other House, involving more than a million and a half sterling. Where was the colony to stop in such a career? It might be beneficial if the rejection of the Bill should lead to a reconstruction of the Government. Mr. Miller, who had been a colleague with Mr. Vogel in the Fox Ministry, felt constrained to vote with Mr. Mantell, if only to give the Colony breathing time in which to examine the defects of the Bill. Dr. Pollen gallantly replied, but by 19 votes against 12 the Bill was thrown out. When the decision was known, the Representatives adjourned at Mr. Vogel's instigation to enable the Government to consider their position; but on the 18th the Council proceeded with business. The Government found its supporters almost unanimous in deprecating a struggle with the Legislative Council. Mr. Vogel yielded; yet on the 19th he took up his parable against the offending body. He denounced their presumption in talking of finance, and the Speaker, Sir F. D. Bell, being appealed to by Mr. Stafford, pronounced that the word "presumption" was unjustifiable, and that the Council had an undoubted right to deal with questions brought before them. Mr. Vogel was prudent enough to temper his remarks; but he said the crisis was a grave one, and the Government would be justified in using all strictly constitutional means to secure obedience to the behests of the elected Chamber. At the same time, the Government did not contemplate the "swamping" of the Upper House by creating new members. He proposed to open a door for penitent members of the Council. The ancillary Provincial Loan Bills were before the Assembly. He would modify them. Perhaps the Council, which objected to give a general power to the provinces to borrow on specified securities, would not object to modified Bills dealing with specific cases. Unawed and unconvinced by Mr. Vogel's denunciation or hints, Colonel Whitmore, on the 22nd September, invited the Council to declare that it was the duty of the Government without delay to introduce a Bill to provide

for general taxation falling equally on all classes. Dr. Pollen strove to evade the question in form, but to enable the Council to intimate an opinion. He moved an amendment that proposals for taxation ought not to be initiated in the Council, but "that the proposal having now been made," the Council should "record its opinion that in the event of the imposition of a property-tax, a fixed minimum" should be exempt from taxation. Turning his sails to catch all winds he made no progress, and on Mr. Waterhouse's motion the debate was adjourned for three weeks, at the close of which the session had expired. On the 23rd September, in spite of a protest from Mr. Tolmie against the suspension of a Standing Order which required Bills affecting waste lands to be submitted to a Waste Lands Committee, and of an indignant remonstrance by Mr. Rolleston against "the financial madness" which actuated the House "under Mr. Vogel's guidance," the second reading of the first of a series of Borrowing Bills—the Hawke's Bay Loan Empowering Bill—was debated. A private member, Mr. J. D. Ormond, moved it. An opponent rose in the person of Mr. Brown, who confessed that though he had supported the Provincial Loans Bill, he was wrong in doing so, and was grateful to the Council for rejecting it. Private members battled for and against the Bill. Having lost his general measure, Mr. Vogel left it to provincial covetousness to secure its ends by separate Bills. Mr. Rolleston, Sir J. Cracroft Wilson, Mr. Reid (Minister for Public Works in Mr. Stafford's brief Ministry of 1872), Mr. T. B. Gillies, Mr. Stafford and others, making, with pairs, 21, formed the minority against 48 who supported the Government. Sir J. C. Wilson warned the House that within eighteen months the annual expenditure of the colony would be £1,800,000, and its total income only £1,100,000. Mr. Gillies showed that the Government first robbed the provinces of revenues, and then, evading its duties, strove to impose on the provinces the invidious task of taxation. Mr. Sheehan supported the Bill, but deprecated the "idle talk" against the Legislative Council, which was quite entitled to deal summarily with any measure submitted to it, and which had done good service to the State by rejecting the Provincial Loans Bill. When the Hawke's Bay Bill had been read a second time, Marl-



borough, Taranaki, Wellington, Otago, Nelson, and Auckland, Loan Empowering Bills were severally proceeded with so rapidly that they reached the Council on the 25th September, on which day that body was considering the Native Lands Bill. On the 26th, Dr. Pollen moved in the Council the second reading of the Auckland Bill. Mr. Campbell declared that by provincial borrowings at 6 per cent., in place of a loan raised by the General Government at  $4\frac{1}{2}$  per cent., the Legislature would sanction an aggregate loss of more than £900,000 on debentures extending over 35 years. He moved that the Bill be read a second time after six months. The dangerous path in which the Council were invited to tread was, he said, shown by the rejection in the other House of a prudent proviso, that before assenting to an ordinance the Governor should be satisfied that provision for payment of interest and sinking fund was contained in it. Mr. Waterhouse suggested an amendment intimating the conditions on which the Council would sanction loans for public works. As a nominated member he had qualms which left him less free in his action than if he had been elected. Mr. Mantell felt no such scruples: "When we are placed here, we have to do our duty." Colonel Whitmore, Mr. Sewell, Mr. Pharazyn, Mr. Bonar, Captain Fraser, Mr. Miller, Mr. Holmes, Mr. Paterson, Colonel Kenny, and Mr. Acland, cried out against the preposterous scheme before them. Mr. Pharazyn implored members "to save the honour of New Zealand by voting against the Bills." Mr. Bonar quoted a speech in which Mr. Vogel had formerly denounced the wrong which would be done by adopting any such principle as that contained in them. Unaided in debate, Dr. Pollen found only 5 members to vote with him against 23. All the Bills were thrown out. The Government proceeded with the Railways Bill, the Immigration and Public Works Loan Bill, and some minor measures; but the position was felt to be anomalous, and on the 29th September, Mr. Vogel was constrained to explain it. There might be a prorogation, but the Government believed that the Council would in a new session reject measures as summarily and ignominiously as in the current one. The Appropriation Bill could not be used for tacking purposes, because special legislation would be required to provide security in land. "There is no doubt that the

victory lies with the Council at present. It has set itself against the wishes of this House, and has thrown out the measures which this House has passed by large majorities. To those who ask, Are we to succumb to such action?—are we to allow the people to be governed by the nominee branch of the Legislature?—the reply is, that without very extreme action no other course is open at present.” The Government did not intend to follow the extreme course of nominating new members to carry their measures. (The instructions from Downing Street to the Governor of New South Wales made it improbable that a Governor in any Australasian colony would lend himself to violent measures; but Mr. Vogel made no allusion to such a cause for moderation.) The Government would consider the subject during the recess with a view to deal with it in another session. He hoped that disgust in the provinces at the loss of public expenditure would fester there, and make them eager to coerce the Council. An ardent member was dissatisfied with so tame a conclusion, and moved a resolution which Mr. Vogel deprecated, and which was negatived without a division. Mr. Wakefield, on the 30th, endeavoured to elicit from the House a declaration of regret that the Ministry had not resigned office in order that the Council might be asked to form a Ministry, but he found no support and withdrew his motion. When the Appropriation Bill was before the House, Mr. Fitzherbert and Mr. T. B. Gillies animadverted upon the conduct of the Government. The former declared that no Prime Minister ever more flagrantly violated constitutional usage than Mr. Vogel, when he suggested that members should endeavour to stir up men’s minds against the Legislative Council; and when, instead of sending measures to that body boldly, he tampered with individual members of it in order to ascertain how they would vote upon certain propositions. Mr. Vogel had, moreover, promised to propose to borrow money for the works desired, on the credit of the colony, *pari passu* with a measure for a property-tax. The promise solemnly made had not been redeemed. The breach of faith had humiliated the House. The Council had the honour of sincerity. The House was, by its leader, made to appear dishonest. Mr. Vogel’s reply did not traverse the charge thus made, but attacked Mr. Fitzherbert on

various pleas, and enumerated the measures which did credit to the session. The new Native Lands Act was of the utmost value, and so was the power to purchase (under the Immigration and Public Works Act) land from the Maori owners. The Railways Act, the substitution of *ad valorem* for measurement duties, were solid achievements, and no one had dared to challenge the native policy of Mr. McLean. The Government would not resign because a nominee House chose to throw out any of its measures. Mr. T. B. Gillies gave a different summary of the session. He spoke of the miserable outcome of the large promises of the Government. He declared, in conclusion, that "a system of log-rolling was the mode by which the Government endeavoured to maintain its position." Strongly against his wishes he had been convinced that provincial institutions ought to pass away. They had once done good; but corrupted as they had been, and applied (as by the Government in the Provincial Loans Empowering Bill) to a use which would have rendered government by log-rolling the only possible government, he must thenceforward be ranked as an uncompromising opponent of provincial institutions. These words were significant. The abuses of government were about to lead to its reconstruction. The colonists had clung to their provinces in spite of many inconveniences. They had maintained their Provincial Councils, and had made provincial laws in spite of obstructive incongruities, which the veto of the Governor on provincial enactments was able to temper, but not to remove. Others besides Mr. Gillies now began to reflect that if their separate machinery could be distorted into an engine for bending them to the behests of an intriguer, it would be better to abandon it. Intercommunication between the New Zealand provinces and ports had become more easy. Railways were being constructed. Larger population had brought into use more powerful vessels to supply daily needs. Journeys which once occupied weeks could be performed in a few days or even hours. The knell of the provincial system was rung when leading men began to think it was perverted to sinister uses. Like all institutions it might have friends staunch to the last, but when they who were of its own house distrusted its capacity for good there could be little hope to avert its doom, though few could foretell



what hand would deal the final blow. In 1873, Mr. Vogel made some use of provincial exigencies, when a further reduction was moved in the gold export duty. How could provinces ask the General Government for an increase of revenue and demand at the same time a reduction of the gold-duty? Members might, he said, to please their constituents, vote for the reduction; but "when they got outside of the House they would feel grateful to other members who opposed" them. A member for Hokitika repelled such an impeachment; but as he was unable to perceive that the duty levied as a royalty on gold extracted from Crown lands was not a class-tax, his opinions were of less importance than his vote. Mr. Fox perhaps assumed that some members were incapable of reason when he said it was hardly worth while to argue whether the imposition was a class-tax or a royalty. Mr. Sheehan moved as an amendment that the provinces should be enabled to reduce the duty at their own ports if they thought it expedient, and after long speeches and adjourned debate both the motion and amendment were rejected. The rapid growth of commerce in the South Seas gave the colonies weight in matters connected with postal and telegraphic services. An inter-colonial conference was held in Sydney in 1873, and separate postal lines by way of Suez to Melbourne, and by Torres Straits to Queensland, as well as the continuance of the line through America to New Zealand, were recommended. Inter-colonial commercial reciprocity was discussed. The Representatives of New South Wales, South Australia, Tasmania, and Western Australia advocated "a common tariff based on the principles of free trade, and a customs union" between the colonies. The Representatives of Victoria, Queensland, and New Zealand (Vogel and Reynolds) opposed them. Earl Kimberley gratified the discordant conference as well as he could.

An Australian Colonies Duties' Act was passed by the Imperial Parliament in 1873. It defined the word "country" as meaning "any country or place except Australian colonies and the colony of New Zealand." It empowered the Colonial Legislatures severally to remit or impose duties on articles exported inter-colonially, with a proviso that, for such purpose, "no new duty shall be imposed upon, and no existing duty shall be remitted

as to, the importation into any of the Australian colonies of any article, the produce of any particular country, which shall not be equally imposed upon, or remitted as to, the importation into such colony of the like article, the produce or manufacture of any other country." Two things were clear to all students of political events. One, that in thus classing Great Britain as a foreign nation, the bulk of the colonists had taken no part, and that in the abstract they would have been opposed to it; the other, that when their political leaders for the time being had made the demand it was acquiesced in without inquiry by the colonial public, and would probably have been supported vigorously if those leaders had had occasion to appeal for popular sympathy. Public sentiment will make common cause with its own creatures, even when the public reason disapproves of their conduct.

The contract for carrying mails by way of San Francisco, in which Mr. Fox had taken so much pride, did not prove prosperous. Irregularities in delivery had not saved the contractors from pecuniary loss. Penalties had been enforced, but more were due, and Mr. Vogel asked the Representatives to declare that they need not be exacted. A special agent for the colony, Mr. Russell, had provisionally entered into arrangements for a fresh contract, to which the colony of New South Wales was to be a party, and he advised his employers that the former contractors would resist by law any endeavour to enforce the penalties accumulated against them. The Representatives by a large majority supported Mr. Vogel. Mr. Fox and others descanted on the transcendant importance of establishing social and commercial relationship with the United States, and all admitted that the late contractors had laboured to do their work well, and should be spared the infliction of penalties which it might be difficult to enforce. An angry debate arose in the House with regard to Dr. Featherston, the Agent-General in London. In moving the second reading of a Bill to attract a better class of immigrants to the colony by a remission of £20 in the value of land to each adult member of a family, Mr. Vogel hinted that the relations of the Government with Dr. Featherston were unsatisfactory. A private member followed with a violent diatribe against that gentleman, and many

members resented an unjustified attack upon an absent man. The Government, in deference to the more manly instincts of the House, consented to produce a despatch, which had ungenerously been alluded to by the Government, but had not been laid on the table. The storm passed away, and the Bill, which had been the innocent cause of it, eventually became law.

The difficulty of obtaining from immigrants a repayment of any portion of the cost of their passage-money was put before the Assembly in a petition for relief. The railway contractors had specially undertaken to import labourers. The contractors took promissory notes from the immigrants for repayment, but they could not recover the money. They averred that if they sued the defaulters they were compelled to pay ten shillings a week for the maintenance of each in gaol. The same inevitable difficulty had been experienced elsewhere. Gibbon Wakefield had warned a Committee of the House of Commons, in 1836, that all conditions partaking of the nature of a promise to do something after the obtaining of land would become dead letters. On the large scale which the New Zealand Loan Works involved, the contractors averred that their loss from importing immigrants who deserted them was nearly £40,000. It was urged that the Government which imported immigrants ought to re-imburse the contractors. A Select Committee reported adversely to the claim, and deprecated the production of the evidence taken. Mr. Fitzherbert moved that it be printed. The House had been generous to the defaulting contractors for the postal service, because it had benefited the colony. The country had gained 2000 immigrants by the railway contractors. Justice demanded the application of the same principle of leniency in both cases. In the existing state of the House the subject created confusion, and a debate upon it was abruptly broken by Mr. Fox, who called attention to the presence of strangers. Charged with having striven to aid the Ministry he averred that the act was entirely his own.

Colonies have always been full of life, energy, and apparent prosperity when immigration has poured in upon them. A simultaneous expenditure of many millions sterling on public works made New Zealand resound like a bee-hive with the hum of workers. The revenue sprung from £1,299,000 in 1871, to



£2,753,181 in 1873. The ordinary revenue of 1873 was in excess of the total revenue in 1871, and the territorial almost equalled the combined revenues of the former year. Mr. Vogel conceived the idea that a handbook ought to convey to the world the progress of the colony. He announced in the Assembly (15th September, 1873) that a pamphlet would be issued describing the resources of New Zealand. It appeared in 1875. Mr. Vogel was editor. Mr. Fox, once his master but now his pupil, described the early settlement. Donald McLean told of the native race. Superintendents of various provinces lent their names. Dr. Hector, the Government geologist, described the climate and the mineral and agricultural resources. Though published in London in 1875 the book was printed in New Zealand in 1874. "It has been printed here" (Mr. Vogel wrote to Dr. Featherston) "solely for the sake of enabling the editing to be effected with greater facility. I have decided that the book shall be printed and published in England. . . . I suggest for inquiry whether it might not be well to incur the cost of stereotyping the work." Embellished by photographs and maps, and "edited by Julius Vogel, C.M.G.," at a cost of more than £2000, the work found an unappreciating public in the colony, but served as an advertisement in more senses than one; and its editor attained the honours which he coveted. He became, in 1875, a Knight of that Order of St. Michael and St. George which, in Herman Merivale's phrase, was tainted with inexpressible vulgarity before. The colony, besides receiving such an honour in the person of him to whom it had entrusted its affairs, discovered that about £30 had been obtained by sales of his handbook. He was puffed up, and wrote to Dr. Featherston<sup>1</sup> in London, as Masaniello might have written after discarding his fisherman's dress. Even when the agent's arrangements prospered he was told that he deserved no credit, but that if he had obeyed orders sooner success would have been earlier attained. On one occasion (24th November, 1873) he imputed corruption to the emigration officers appointed under the Passengers' Acts

<sup>1</sup> On one occasion Dr. Featherston significantly replied: "I still hold that the course which I adopted, in the case referred to, was the only one that any gentleman would, under similar circumstances, have pursued towards another."—N. Z. P. P. 1874; D. 3, p. 52.

in England. "I positively instruct you (Dr. Featherston) that you place no reliance whatever in the examination of the officers of the Commissioners." The Commissioners asked for an explanation, but Mr. Vogel's progresses made it inconvenient to write one for some time. In April, 1875, he wrote in London to the Secretary of State that his "letter was of a confidential character and its publication was a mistake." After his return to the colony he would decide whether to furnish proof of the truth of his statements or to withdraw them. In January, 1875, the Governor wrote from New Zealand that search had been made, but nothing found, to account for Mr. Vogel's accusations. There were signs that the patience of the colonists had been tasked severely, and that they were weary of the idol they had set up. But the prosecution of the financial schemes could hardly be withdrawn from Mr. Vogel. Its supporters thought that it could best be done justice to by its author. Its opponents thought it right that he should have a fair trial, and that even if it should produce disaster the workman and the work should be condemned together. But already there were rumours which excited distrust. It was said that the successful adventurer was, after all, only making New Zealand a stepping-stone to London, and that if he could secure a position there, either on the Stock Exchange or as Agent-General for New Zealand, he would carry away from the colony the plumage with which he had been decked at her expense. The rumours were denied, but were believed.

In dismissing the General Assembly, Sir James Fergusson congratulated it on the measures passed. The sanctioned purchase of a landed estate for the provinces of the North Island would tend "to preserve the unity of the colony." The Native Lands Act, the constitution of the Westland province, a Life Assurance Act, the amended tariff, the establishment of a mail-packet service by way of California, the extension of railways, were the burden of the vice-regal speech.

In 1868, the House had agreed to a proposal that inquiry should be made with a view to preserve the forests of the colony. In 1870, a Joint Committee on social industries recommended that the Government should encourage the planting of forests, and the agency of the provinces was

chosen as the best means of promoting the object. In 1871, a Bill, devised in the Canterbury Province, was introduced by Mr. Hall. It provided that every one who, in accordance with regulations made by the Governor in Council, planted one or more acres with timber trees, should be entitled to a grant of two acres of waste land for each planted acre. In the Assembly the provisions of the Bill were made applicable to any province on due requisition from the province to the Governor. The province of Canterbury was not inactive. It established nurseries, distributed plants, and voted money to encourage plantations. Nevertheless, the waste of public forests proceeded with alarming rapidity, and in 1873 a private member moved that the Governor be requested to appoint a Commission on the subject. The Government admitted its importance, but opposed the appointment of a Commission. They would consider whether a Bill should be considered during the recess. New Zealand was in this matter like other colonies. In all, the Governments allowed the riches of the woods to be remorselessly squandered or destroyed. In all, some colonists, wiser than their rulers, implored that something might be done to arrest the waste, which was never arrested. For a nominal fee any one obtained license to cut down and sell the growth of ages without being required to plant successors to the forests swept away. Prophecies of future deterioration of climate and failure of harvests did not move the destroyers. The gold-seeker, who scarcely pretended to do anything but prey upon the carcass of the colony, found imitators. It was even deemed harsh and unpopular to prevent waste. A Select Committee on colonial industries (in 1873) ventured only to suggest that the provinces should be invited to consider how best "the wasteful destruction of the forests of the colony" could be prevented. The rate of the waste was approximately shown by Dr. Hector, the geologist. There had been in New Zealand in 1830, 20,370,000 acres of forest land; in 1868, 15,296,000; and in 1873, there were only 12,130,000. Four millions of forest land in the Auckland province had dwindled to less than one million and a quarter.

When the session of 1873 was at an end, Dr. Pollen communicated with the provinces. Earl Kimberley sent official reports on the Ceylon forests, and fervid appeals from Dr.



## NEW ZEALAND.

Hooker (Director of the Royal Gardens at Kew), who dreaded disasters in Ceylon such as had become irreparable in other parts of the world. From Australian colonies, where the subject had been more or less languidly taken up; from England; from India, where conservators of forests had made valuable researches; from Germany, whither some of those conservators had travelled to observe the careful system pursued by skilled Forstmeisters, information was received. It might be well to narrate here the legislation resorted to in 1874 upon the subject were it not the fact that it led to unexpected consequences. While it was popular to do so Mr. Vogel had ardently supported provincialism. When the elements of public opinion seemed to be in a state of fusion, he watched for signs of the new form into which that opinion would crystallize. While the result was uncertain he was a votary of equilibrium. As soon as there were indications of the shape into which the divided particles would coalesce his mind was made up. It might indeed be said that his conversion into an ardent centralist was an unworthy manœuvre, but it mattered not what might be said if only the manœuvre should succeed. A people willing to be deceived can only be enlightened if the deceiver be dull. If the New Zealand atoms were about to crystallize, Mr. Vogel would be amongst the first and would obtain a conspicuous position in the new order of things. He would make his defence as remarkable as his apostasy. If upbraided for abandoning his principles he could rebut the charge as "Much ado about nothing"; and could truly affirm that when he said he would die for provincialism, he did not think he would live to destroy it. Before obtaining office he had published a pamphlet to prove that the English national debt might be paid off if England would borrow money and lend it to the colonies at an advance of half per cent. on the English rate of interest. The colonies would fatten, and at the same time would pay off the mother-country's debt in a hundred years. The pamphlet probably served its purpose by giving notoriety to the author. He was not merely a visionary, however, and the Governor's despatches show that in applying for a larger share of postage receipts, for permission to affix advertisements within post office premises in the United Kingdom, and for a list of post

office savings' bank depositors in order that the Agent-General in London might send to each depositor a statement of the advantages offered by New Zealand, the Ministry did not neglect details. It was fortunate that Dr. Featherston in stimulating emigration from Germany to New Zealand had employed German agents only. The English *chargé d'affaires* at Berlin reported in 1873 that the Prussian Government, to discourage emigration, had resolved to expel all emigration-agents or sub-agents not of German nationality. Not content with providing immigration to New Zealand, the Ministry devised a plan of annexation of islands in the great Pacific Ocean. Sir G. Grey had during his first government urged that England ought to assert dominion over many of the island groups.

Colonel Whitmore had, in 1871, induced the Legislative Council to resolve that British authority ought to be established in the Navigator Islands, and Mr. Fox, then head of the Ministry, had strongly urged the Governor of the day to apply for power to appoint a consular representative there. An emissary was sent to the islands to report to the New Zealand Government upon their capabilities. In 1873, Mr. Vogel "respectfully submitted that a policy or line of conduct should be decided on, not alone in connection with one or two clusters of islands, but applicable to all Polynesia." Without reference to the Assembly the Ministry could not submit details, but they doubted not that "the Parliament of New Zealand would cordially entertain proposals" for assisting England in the work. In February, 1874, more precise propositions were made. Mr. Vogel thought that New Zealand might "earn for reluctant Great Britain—without committing her to responsibilities she fears—a grand Island Dominion." A company was to be formed. A man who had been arranging preliminaries for a bank at Fiji had furnished the idea of founding a trading company which, like the East India Company, was to acquire ascendancy; although, unlike that company, it could procure no monopoly. The projector thought that Mr. Vogel might be useful in "floating the company." The fame of selling New Zealand debentures had already made a reputation for the agent for their sale. But the task of an agent selling shares for a private company and carrying on his campaign on the

Stock Exchange at his own charge was not so congenial as that of negotiating at the cost of the colony. The gentle Issachar, New Zealand, might bear a further burden. Mr. Vogel suggested that a commercial company should be formed, and that New Zealand should give a guarantee of 5 per cent. on the share capital (£1,000,000 sterling) for 50 years. New Zealand was to be the centre of operations. Factories were to be established there, and steamers were to ply with their products to all the islands. The company was not to ship any goods to the islands except from New Zealand, and on all goods shipped to them "other than the produce or manufacture of New Zealand" the company was to pay a royalty of seven and a half per cent. The Government was to appoint a managing director in London and another in New Zealand. How the company could contend with the outer world which had no royalty to pay upon trade was not explained. Like the Mississippi system of Law, the New Zealand scheme of his successor was to shower benefits at home and abroad. The islands were to be "one dominion, with New Zealand the centre of government." The scheme was submitted to the Governor in November, 1873. In February, 1874, promoters had been found for "The New Zealand and Polynesian Company," and Mr. Frederick Whitaker negotiated for it with Mr. Vogel. He objected to the royalty on shipments, and Mr. Vogel after long contest abandoned it, accepting, instead, a provision impounding profits to repay advances made by the Government. The outer world, unfortunately for the scheme, was still free. It may be presumed that Earl Kimberley remembered with amusement a scheme of the previous century; but he was too courteous to mention it. Voluminous papers on the capabilities of the islands were laid before the General Assembly in 1874, but the Governor's opening speech only said that "the civilization, settlement, commerce, and forms of government of the islands present problems of great interest and importance to this colony." At the close of the session, Mr. Vogel in reply to a question stated that he "believed that instructions had been received to reserve the Bill if it had passed."<sup>1</sup> But the Ministry submitted no Bill

<sup>1</sup> In 1876, a Mr. Phillips petitioned for compensation for having made known to Vogel the Polynesian scheme. In 1873, Phillips saw Sir James



to the Assembly, and the England of 1874 escaped the temptation of France in 1718. Earl Kimberley gave a significant hint to Sir James Fergusson, when Mr. Vogel's financial statement of 1873 reached England. Passages which asserted that the Imperial Government were concluded in an "undisclosed guarantee" for colonial loans, and that "the Governor being an Imperial servant, the Imperial Government would be responsible if their nominee did not respect the priority which the law established," were pointed out by Earl Kimberley as totally unwarrantable, and the Governor was enjoined to give a copy of the despatch to his advisers.

After the session of 1873 disturbance was apprehended between a section of the Ngatiraukawa and the Muaupoko tribes. The same land feud existed between them as in 1868, when Te Kepa Rangihwinui wrote about it to Sir George Bowen. Donald McLean was at Turanganui, Mr. Vogel was at Dunedin, Sir James Fergusson was at Wellington. The telegraph enabled the former to bring his mediatory power to bear simultaneously on all points. The Governor reported that Donald McLean declared that the influence of Rangihwinui was of great efficacy in averting war. It was arranged that the case should be reheard by the Native Land Court. Released from anxiety, Sir James Fergusson made a tour through the provinces of Canterbury, Otago, and Westland. His published despatches were neither so numerous nor voluminous as those of his predecessors. The Waitangi treaty, the Wairau affray, the wars of Heke and of Rangihaeata had given exceptional interest to New Zealand, and Parliament had been fully supplied with information. With the triumphs of Sir George Grey curiosity languished, and was only revived by the rape of the

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Fergusson, and Vogel told Phillips afterwards that the "quieter he should be with regard to his plans the better." In 1874, Vogel told Phillips that he intended to carry out the scheme himself, and would not require help from Phillips. "Under a promise of compensation of £2000 the petitioner reluctantly resigned" his plan to the Government, and Vogel in that year told the House that Phillips was "entitled to substantial compensation." A Select Committee examined the rival projectors, who cross-examined one another. The Committee reported that Phillips had given information to Vogel, and that he should receive £150 for it, and a like sum for his other expenses.

Waitara block under Governor Browne, when again volumes of blue-books were produced. The Waikato war and the wars in memorandum carried on by Sir George Grey exhausted curiosity and patience, and Sir George Bowen with discursive pen vainly endeavoured as special correspondent with Downing Street to keep up public sympathy. Those who knew anything about New Zealand were satisfied that so long as Donald McLean was Native Minister there would be no native war. Those who knew nothing wished to know no more. Though Sir James Fergusson contracted the limits of his correspondence he apprised the Colonial Office of his movements. In March, April, and May, 1874, he visited the east coast and the Waikato district, travelling without unusual escort from Cambridge to Rotorua. He reported with sadness the evident decline of Maori morality under European influence. "I wish," he said, "that some systematic effort were made to fit the children of chiefs by higher education for their proper work among their people, and even for taking a part in the future Government and business of the country. In spite of the comparative failure of some former attempts, I hope, through private association if not by the action of Government, to set on foot some definite organization for this purpose." The very hope thus expressed breathes sweetly among the dusty records of New Zealand story.

Early in July the General Assembly met at Wellington. In that month Earl Carnarvon wrote that on his recommendation Her Majesty had promoted Donald McLean to be Knight Commander of the Order of St. Michael and St. George.

## CHAPTER XVIII.

## SESSION OF 1874.

THE Governor's opening speech on the 3rd July, 1874, congratulated the Houses on the progress of the colony. The only subjects touched upon as pressing for legislation were the creation and conservation of forests, and the "guarding against difficulties which might arise from continued differences of opinion between the two branches of the Legislature." Both Houses replied that they would give earnest attention to the measures submitted to them. The mover of the Address in the Council asserted that the Council by throwing out the Provincial Loans Bill of 1873 had earned the gratitude of all thoughtful men. Major Richmond obtained an order for a call of the Council to consider the second reading of the Constitution Bill which Dr. Pollen moved on the 31st July. The proposition was jejune. When the Houses differed, the Governor was to have the power to call them together, and at a joint meeting the disputed measure was to be voted upon. The Representatives were 78 in number, the Council had 45 names on its roll. Constitutional questions were to be adjusted by transfer of numbers, as a man might adjust scales by taking from one and adding to the other. Colonel Kenny, the senior member of the Council, moved the reference of the Bill to a Select Committee, but was defeated by 23 votes against 10. Mr. Campbell moved that the Bill be "read this day six months." Mr. Menzies declared that its provisions would seriously impair the independence of the Council. Mr. Waterhouse could not praise, and Dr. Pollen vainly deprecated the destruction which fell upon, the Bill. Four members only voted for it against 28 opponents. Mr. Waterhouse early in the session brought before the Council (9th July)



the important question of confiscated lands. Sir Donald McLean as Native Minister was known to wield the powers exercised by the Government under the New Zealand Settlements Act. Many persons muttered that such powers ought not to be under one man's control. The envious insinuated that they were likely to be abused, if not by direct corruption, by gaining facilities for advantageous purchases by members or friends of the Government. Mr. Waterhouse brought no charge against the Native Minister, but urged that if the Assembly would not entrust Provincial Councils with control over the confiscated lands, still less should it be delegated to one person. The Council carried a motion declaring that the question ought to be regulated by Act of the Assembly and not by orders "made at the will of the Government of the day." The Governor replied that so important a subject could not be duly considered during the session, but that his advisers would consider it during the recess. Mr. Waterhouse also took up the subject of the "indebtedness of the colony." Seventeen millions sterling, at which he computed it, might be too great a burden, and he asked the Council to declare that they would see with regret any increase, except to complete works already authorized, until it could be ascertained whether the annual expenditure caused by the loans could be met without recourse to further and injurious taxation. The financial statement had not been made when the motion was brought forward, and the Council shelved the question as inopportune. The Native Lands Act of 1873 had justified the fears of some of its opponents. Mr. Fenton, the Chief Judge of the Land Court, with his brethren Messrs. Munro, Maning, Rogan, and Smith, had sent to the Governor in Council a carefully-drawn paper in which they summed up weighty objections to the Act as it was passed. The clause which required a Judge to make a preliminary inquiry to ascertain whether an application accorded with the wishes of ostensible owners of land, seemed "of all things most likely to shake the confidence of the natives in the justice and impartiality of the Court (which has never hitherto been doubted); to impede its action; and to jeopardize the peace of the country." Moreover, the emissaries of the Maori king and other land-leaguers would be quick to make objections and assert claims

which no Judge could disregard. "Thus in process of time few claims would survive the preliminary inquiry." They subjected the Act to a careful but not unfriendly criticism, endeavouring to avoid expressing an opinion on its general policy. The fact that they had sent a report to the Government became known, and on the 16th July Mr. Sheehan asked if the report would be laid on the table. Mr. Vogel replied that it would not. The Government would profit by it in a Bill then in course of preparation. The Native Affairs Committee desired to see the report, and Mr. Kelly, a member, moved (29th July) that all reports of the Judges on the Native Lands Act, 1873, "be laid on the table for the purpose of being referred to the Committee on Native Affairs." Mr. McLean opposed the motion. The debate was adjourned. Before its resumption Mr. Mantell made a similar motion (4th August) in the Council. Dr. Pollen vigorously opposed it. As to the preliminary inquiry by the Judge, he said the Judges held strong opinions, but the Government was determined to maintain its own. It objected to produce the papers. Mr. Mantell was defeated. But on the resumption of the debate in the Lower House on the 5th August the Government withdrew its opposition and Mr. Kelly's motion was carried. The papers were subsequently laid before the Council also, and were ordered to be printed. The Committee on Native Affairs made suggestions founded on the Judges' remarks. McLean adopted many of the suggestions, and an amending Bill, in a shape which left large discretion to the Judges, passed both Houses at the close of the session. One important provision was made. The concurrence of at least one native assessor with the Judge was required to justify any decision or judgment. Mr. Mantell presented a petition from Maoris in favour of this provision. Under the existing law the assent of an assessor was not necessary. "We ask you to amend this, so that the assessor or assessors may have authority, when in Court, equal to that of the European Judges. Let no one be greater or less than the other, lest the judgment be wrong." Taiaroa renewed his motion for a Select Committee on "the unfulfilled promises to natives in the Middle Island." "Let not members be annoyed at his importunity. It was not his fault; it was the fault of the Government in delaying the question." Mr. Vogel procured

a postponement, and when the subject was revived, opposed the motion. Although Mr. Fox admitted that there were "unfulfilled promises," the Committee was refused. Taiaroa in deference to advice of his friends wished to withdraw his motion, but was not allowed to do so, and it was negatived. On a later day he asked whether the Native Minister would agree to arbitration, but McLean resolutely declined. He knew the confidence reposed in him, and it was a part of his policy to magnify his own importance, and thus derive additional strength whenever he found it necessary to make a concession. In this instance Taiaroa could only threaten to appeal to the Queen. The Maoris of the Middle Island were not 2000 in number. The colonists were about 190,000. The claims of Maoris who could not go to war were less pressing than those of Maoris who could. Mr. Mackay, Commissioner of Native Reserves, reported that the claims of the Ngaitahu, in the Middle Island tribe, were "good on all three grounds." 1. Hereditary. 2. Conquest. 3. Occupation or possession. Their ancestors had conquered the territory 300 years ago, and the tribe had continuously occupied the land from the time of the conquest. "I trust," Mr. Mackay wrote, "it will be understood that in advocating the cause of the natives, I am not actuated by feelings of sentimentalism. Mr. Macandrew, in opposing the Committee moved for by Taiaroa, was sentimental in a very different manner. The Dunedin Prince's Street Reserve difficulty had been, he said, compounded by the payment of £5000 by the province, "which seemed only to have had the effect of giving a taste for blood." Taiaroa's resolution might "cover a claim for 2,000,000 acres in the Middle Island." Mr. Vogel thought "the House was not in a position to come to the conclusion that there were unfulfilled promises." Mr. Mackay had reported that they were "not entered in the deeds of purchase, as full reliance at the time was placed in the honour of the Crown that they would be fulfilled to the letter." Mr. Vogel could not find them in the bond. He knew as well as other members how indignantly Mr. Mantell had discarded service under the Local Government because it would not fulfil its pledges, but his mind was exercised upon another matter,—the advisability of turning from provincialism to centralism! A Bill "to provide for the establishment of State forests and for



the application of the revenues derivable therefrom," was the solvent of the problem. "The investment of £1 a year in creating forests would," he said (14th July), "in thirty-five years give back many many times £100." Old sinking funds were now proved delusive; but the growth and value of forests was indubitable. "The Government came to the conclusion that if the provinces would allow three per cent. of the whole of their land to be taken and set apart as forest-land, we would propose to Parliament to release the provinces from the payment of the principal cost of their railways—that is, would relieve them from the payment of the one per cent. sinking fund they now pay . . . if the amount its railways will cost is reckoned up, and the total of one per cent. sinking fund upon that amount is estimated, the exchange which is offered will be found to be very profitable to the province. . . . As far as can be done by Bill we put upon the State forests the charge of repaying the public debt of the colony incurred for the construction of railways." Mr. Vogel spoke for several hours. Mr. Sheehan moved the adjournment of the debate. On the 31st, he and many others supported the measure, but thought it would be prudent not to press it further during the session. Sir J. Cracroft Wilson earnestly besought the House to pass the Bill and avert the calamities which threatened posterity. He told of his experience in India and the disasters accruing from destruction of forests. Mr. Stafford in supporting the Bill exposed the manœuvres of Mr. Vogel, who had not in a financial statement (21st July) dwelt upon the scheme of the State Forests Bill with any earnestness. Mr. Vogel replied: "I must now say that the feeling with which the Bill has been received in the House and the approval it has met with throughout the country have led the Government most earnestly to desire that the Bill should become law during the present session." Mr. Fitzherbert (Superintendent of the province of Wellington) in a trenchant speech attacked the Bill. Under the modest guise of three per cent. of provincial lands it grasped 2,000,000 acres, and those, if chosen as doubtless they would be, the best land in the provinces. The real intent of the Bill was to take land indirectly which could not be taken directly. It had nothing to do with forestry, concerning which Mr. Vogel had culled from encyclopædias to confuse the common

sense of the House. As to paying off the colonial debt by its means the idea was absurd, and redounded neither to the credit of the Ministry nor of the colony. After Mr. Fitzherbert's speech opposition rose from other quarters. Mr. Macandrew denounced the Bill as tending to usurpation by the General Government of powers vested elsewhere. Mr. Rolleston (Superintendent of the province of Canterbury) told how Canterbury had in four years distributed 65,000 trees for planting, and was further promoting the good work. In 1874, the province had appropriated £13,000 to it; whereas Mr. Vogel's Bill only contemplated an expenditure of £10,000 in the year throughout all the provinces. Mr. Rolleston was prepared to discuss the question of abolishing the provinces at any time, on its merits, but not when under cover of a beneficial object they were insidiously assailed. On the 4th August, Mr. Vogel replied. He complained of the bitterness of Mr. Fitzherbert's speech, which flowed from the fact that the Government had been compelled "to restrain him in the exercise of what he assumed to be his provincial powers." . . . "When we are told that the establishment of State forests in the North Island is inconsistent with the maintenance of provincialism, it seems to me there can be but one reply,—Abolish the provinces in the North Island." There was throughout the island a feeling of real abhorrence to provincial institutions. "I state fearlessly that such is the fact. There is no one who has done more than I have to stem that feeling." It was plain that having discovered the public feelings, Mr. Vogel would sacrifice his own, or what he had represented as his own, when he had misunderstood those of the public. But he was accommodating. He would cut down the Forests Bill. He would "remove all the provisions as to the acquirement of land." "The State forests should be such land as the General Assembly should determine, and such as the Superintendents and Provincial Councils should request the Governor to set apart." The Bill was then read a second time, without a division.

Two days afterwards Mr. Vogel notified to the House that the Government had received assurances from many members, and believed, that a large majority were anxious to abolish the provinces in the North Island, the capital being maintained at

Wellington, and the compact of 1856 between provincial claims and the General Government being recognized in any Act to be passed. The Government had determined not to ask the Assembly to give effect to their proposals in the current session. They did not think it fair to the country to take it by surprise on such a subject. Other members, however, gave notices of motion, and the determination of the Government was revoked in six days. On the 12th of August, Mr. Vogel announced that he would, on the 13th, propose the following resolution, and thanked several members who waived their priority in his favour: "That this House is of opinion that, taking the circumstances of the colony into consideration, the provincial form of government in the North Island should be abolished; and that in the measure giving effect to the same there should also be included a provision declaring Wellington to be the seat of Government of the colony, and for continuing the localization of the land revenue in accordance with what is known as the compact of 1856. That during the recess, the Government should consider how best to give effect to the above resolution." If the House should not agree to these resolutions, "of course the Government would pass into the hands of those who hold other views." On the 13th, public attention was strained to a high pitch to watch the fate of the resolutions. Mr. Vogel candidly confessed that the debate on the State Forests Bill had brought to light facts which forced the Government to adopt their new policy. If a decision should not be arrived at, the Treasurer would have to make separate arrangements with the provinces for which, as well as for New Zealand, he had "practically to finance." He admitted that he had at one time strenuously supported separation of the North Island. He had also supported consolidation, so that there should be but one province in each island. But the provision of funds for carrying on settlement was a charge on the General Government, and made changes desirable. He did not add that it furnished the leverage by which he hoped to carry his resolutions; but he "recognized the widely-spread feeling in the House that it is not desirable these exceptional assistances—not to use the term 'sops'—should be continued." But a field would be still left for the power of the purse. Aid might be given to Road Boards clustered round a Central Board



as was the case with the Timaru system in the Canterbury district. Something of that kind might replace the provinces of Auckland, Hawke's Bay, Wellington, and Taranaki. It was probable that the Superintendent<sup>1</sup> of "the great province of Auckland" would object. Mr. Vogel would make a life-provision for that honourable gentleman, who had devoted a lifetime in serving the province. The compact of 1856 he would respect, because "any attempt to depart from it would be simply dishonest, and, besides, would be to the last degree impolitic." The Government having been questioned on the subject, would "accept any provision the Middle Island may think necessary to make it most clearly understood that the land revenue of the Middle Island shall be applicable to Middle Island purposes, and that the land revenue of each province of the Middle Island shall be applicable to the purposes of that province." The provinces had begun to distrust somebody, for Mr. Vogel declared: "There is in the great provinces of Otago and Canterbury a feverish impatience manifested to put apart land, or to sell it, so as to place it beyond the reach of the colony." He emphatically denied that his resolutions were "an attack upon the Middle Island land fund." He would have a Resident Minister in Auckland, and a General Government Agent in Taranaki and in Hawke's Bay. In spite of objections to the contrary he believed the General Government could do the provincial work better and more cheaply than the Provincial Legislatures were doing it, and there would be great gain in the removal of the provincial opposition displayed in the North Island against the immigration and public works policy of the Government. Mr. Vogel sat down amidst applause, declaring that no personal ambition prompted him to a change of opinions which might forfeit the confidence of many political allies. Another Minister then rose in indignation. Mr. O'Rorke, member for Onehunga, Secretary for Lands and Minister for Immigration, startled the House by disclaiming all complicity with Mr. Vogel's proposals, for which, if he were to vote, he would "deserve to be branded as a base political traitor." . . . "I obtained admission to this House on certain principles, and I

<sup>1</sup> Mr. Williamson. He was in the House, and spoke vigorously, and voted against Mr. Vogel's resolutions.

do not feel that I am at liberty to fling them to the winds, either for the sake of office, or to suit my own caprice." With more words of like import Mr. O'Rorke disclaimed any personal motives in a course which was entirely spontaneous, and left the astonished House. Mr. Vogel, rising to explain, was interrupted by Mr. Fitzherbert on the point of order, but being allowed by the Speaker to make a personal explanation, was arrested by that functionary when he proceeded to reveal to the House a discussion in the Cabinet. The pith of his statement was that Mr. O'Rorke had opposed the resolution from the first, but that Mr. Vogel was unaware that he intended to retire from the Government, or to speak in the language which the House had heard. Mr. O'Rorke lost no time in handing his resignation to the Governor. On a subsequent day, Mr. Reeves, member for Selwyn, moved the previous question. "It was unfortunate that the country should be made aware that great constitutional changes may be due to the passing humours of the Premier."

The people of the Middle Island would not believe that their interests would be respected. They would know that the injustice meted to the north would in due time fall also on the south. Major Atkinson (member for Egmont), who was about to succeed to the office vacated by Mr. O'Rorke, cast in his lot with those who would abolish the provinces. They had had their day, and were both costly and irksome to the General Government. Mr. Thomson, member for Clutha, pertinently asked why there had been no hint in the Governor's speech of such vital change as Mr. Vogel now proposed. "The stormy eloquence of the honourable member for the Hutt" (Mr. Fitzherbert), in debate on the Forests Bill had engendered the new idea, "not a fortnight ago," in the excited Treasurer. Mr. J. L. Gillies, member for Waikouati, followed in the same strain. He denounced also the exorbitant expenditure incurred. As for Mr. Vogel's complaint that provincial labours were unduly forced upon the Government, Mr. Vogel was himself to blame. He had pertinaciously removed control of public works from provincial to Government hands, in order to increase Government influences. At the close of Mr. Gillies' speech, damaging as it was in many respects to the innovator whom the money-market and a readiness in finance had placed at the head of affairs, there

was a long pause. Karaitiana Takamoana, observing the "considerable delay," rose to object to the scheme. Why should there be a difference between the North and Middle Islands as to the provinces? If the change were urged on financial grounds, it ought to apply to both islands. Perhaps they wished to have two Parliaments. Then let the Middle Island Parliament devote its attention to making money, and the Parliament in the North Island to Maori affairs, for Maori troubles would remain till all the Maoris had passed away. Let the Maoris have more representation, however. To them the soil was an ancestral home. They were not wanderers come from strange parts. "It is not right that there should be only two or three in this House, and that you should have all the talk, and that all that is left to the Maoris is simply to consent to what is proposed." Katene supported the Government. Mr. Reid replied to the speech of the "member of the Ministry," Katene, who had last spoken. Quoting from a speech delivered in 1868 the words, "You cannot have a greater curse in such a country as this than that the General Government should be constantly educating the people to dissatisfaction with provincial institutions," he was challenged to name the speaker. He answered: "I intended to do so, but I will do it now. It is the honourable the Premier whom I am now quoting, whose opinions will have great weight in this House. He goes on to say: 'You may take away the Constitution, but you cannot give to the people another which will earn so much of their respect and veneration. . . . We have lived under it. We love it. We shall never get another which we shall love as we have loved this one. We will stand by and preserve that which we have.'"

By metaphysical aid it would almost seem that Mr. Vogel, while keeping a shop in Victoria had transported his affections elsewhere. Contrasting his words with those of Takamoana, the members could not but wonder what they would have been "had he the motive and the cue of passion" which stirred a Maori. Mr. Macandrew, member for Port Chalmers, placed his lance in rest against the resolutions on 18th August. If they should be carried "no interest in the State would be safe against the caprice or neediness of the Government of the day" Mr. Montgomery, from Akaroa, denounced the suddenness with



which the Ministry had concocted their scheme, and had called upon the House to vote before the startled country had had time to think. He foresaw that to settle the Northern Island an enormous debt would be created which the revenues of the Middle Island would be seized upon to meet. Mr. Sheehan indignantly declared that a fit of spleen against Mr. Fitzherbert had exposed the fact that New Zealand was "suffering from personal government in one of its very worst aspects." A constitution was to be uprooted because Mr. Vogel was irritated, and members were meek enough to do his bidding. Mr. Reader Wood warmly supported the resolutions, and Mr. Williamson, for whom Mr. Vogel had promised to make permanent provision, declared that the people of Auckland would return to the next Assembly no man who would support Mr. Vogel's revolutionary proposals. On the 20th August, the foregone conclusion was duly recorded by a division in the House. Mr. Vogel had not given notice of his resolutions until he had ascertained that he could command a majority, and Mr. Stafford had been the manager behind the scenes. Taiaroa voted with the Government in the hope that eventually all provinces would be abolished and the General Government would do justice. "If matters were left solely in the hands of the General Government everything would be properly administered. I have for three years been bringing claims before this House, but they have not been agreed to by the Superintendent of the province, and have been objected to by the General Government, perhaps because the Superintendent stands in the way. I myself had a case which I brought forward. It was discussed in the different Parliaments of New Zealand, and they could not settle it, neither could any Court in the colony settle it; but when I laid the matter before the Privy Council then the Superintendent agreed to pay.<sup>1</sup> I shall not cease to urge my claims even if I have to take them to the throne. It does not matter whether I or my tribe are poor, I shall still take my claims before the Queen, so that she may see that justice is done between the Maoris and the Europeans in New Zealand." By 41 votes against 16 the resolution was carried. Ten members had paired. Parata had paired with Takamoana.

<sup>1</sup> In the matter of the Prince's Street reserve.

On the 24th August, Mr. Fitzherbert, bowing to the decision arrived at, asked the House to resolve that the sanctioned change should not be "made without first testing the opinion of the people through the constituencies," and that the Governor should be asked to grant a dissolution for the purpose. Mr. Vogel denounced the dangerous doctrine that a special appeal to constituencies should precede a serious change in the law. Mr. Gladstone had stigmatized it as "ultra-democratic—more than democratic—anarchical," and rightly so. But where, as in New Zealand, there were several provinces with separate legislatures, the objections to such a doctrine were fatal in the abstract. To appeal from the halls of Council to the hustings has indeed the appearance of rushing for advice from Philip sober to Philip drunk. In New Zealand there were several Philips to be consulted. Mr. Vogel had the courage of his position, though as he had so newly assumed it, it could not be said that he had the courage of his opinions. He moved an amendment recommending that the Provincial Government in the North Island should be followed by "an inexpensive but more thorough form of Local Government, under which the island should be divided into districts and sub-districts, endowed with substantial revenues, and the residents therein be enabled to take a larger and more direct share in the management of local affairs, and the expenditure of local revenues than is at present the case." "Endowment with substantial revenues" was a tempting bait, but the term was vague. Who was to decide upon the substance? Mr. Stafford supported Mr. Vogel's amendment, and Mr. Fitzherbert demolished Mr. Vogel's speech. He pointed out that already success had stirred the Government to wider schemes, and that the altered tone of the Treasurer in moving his amendment implied that abolition of southern provinces would follow speedily. Mr. Fox confessed and explained his conversion from ardent "provincialism" to centralism. Mr. Johnston, member for Manawatu, candidly said: "Now that the Premier undertakes to endow each district with substantial revenues my doubts vanish. I confess that I do not see where the money is to come from, but inasmuch as passing this resolution commits the House to a certain extent to find it from somewhere, I will vote for it." The "sop" system admitted by

Mr. Vogel as to time past was triumphant in the anticipations of the Johnstons of the House, and by 45 votes against 20 Mr. Vogel's amendment was carried. Mr. Swanson vainly moved that the Bill to give effect to the amendment should be circulated for information of members "at least two months before the next meeting of Parliament." The compact majority of the Government defeated him by 40 votes against 21. So far as the existing House was concerned Provincialism was doomed, but the southern majority did not foresee that the measure they were meting to the North Island would be forced upon themselves by the logic of events.

It was after such proofs of strength that the Government carried through both Houses the Bill to amend the Native Lands Act of 1873. A Bill to enable the Government to make advances for provincial public works was more successful than the Provincial Loans Bill of the previous session. Lands in the provinces were to form the security, and the Superintendents of the provinces were authorized to agree with the Treasurer upon the terms of repayment. There was some opposition in both Houses, but no division was called for. A Railways Bill, appropriating money for certain lines of railway, and empowering the Government to purchase from the provincial authorities certain existing lines in Otago and Canterbury, passed the Lower House, but encountered serious opposition in the Council, and by 18 votes against 15 was ordered to be read a second time after six months, Mr. Waterhouse in particular commenting upon the extravagant debts to which the Government were pledging the colony. On the same day which saw the Railway Bill rejected by the Council, Mr. Murray, a member of the other House, moved, "That in the opinion of this House the nomination of tenants of the Crown to seats in the Legislative Council is highly objectionable, and inconsistent with the independence of Parliament." In New Zealand, as in Australia, the pastoral occupation of the country was the avocation of some of the most intelligent and influential settlers and capitalists. The original theory was merely to occupy temporarily until a more permanent form of settlement might become as necessary as it was natural, and freehold would be substituted for the lease or license held by the tenants of the Crown. This was part of Gibbon



Wakefield's plans. He argued that the annual grass crop could wisely and properly be so availed of—the Government holding the power to sell land at a fitting time. How that theory was unwisely departed from need not be here discussed. Mr. Murray's motion implied that there was danger lest a servile submission should pervade the Council. But he moved it at a time when, by various votes, the Council had given proofs that it was independent. His grievance was the rejection of Land Bills; and when he said that "interested persons who never ought to have voted" had thrown them out, the Speaker called him to order. Jealous of the honour of the whole Parliament rather than of the aggrandisement of the House of which he was Speaker, Sir F. Dillon Bell added that he had consulted the Speaker of the Council, and if "his colleague" had considered the motion an improper interference with the Council, he (Sir F. D. Bell) would have removed it from the Order paper. After a warm discussion the motion was withdrawn. On the following day, when the Appropriation Bill had passed through all its stages in the Lower House, Mr. Vogel moved the second reading of a second Railways Bill divested of the provisions on account of which the Council had rejected the first. Opponents and supporters of the Government raised their voices against the Bill, but a majority of the House thought it wise to accept it. It was passed through all its stages without a division, and was sent to the Council and similarly dealt with there. An attempt was made to authorize, by a resolution of the Representatives, negotiations to effect a purchase, at Otago, contemplated in a defeated Bill. Mr. Vogel opposed it, and the Speaker pronounced that it was "not in accordance with Parliamentary practice for the Government to carry out by resolution what it had failed to carry out by Bill." But the Otago province was supposed to be weeping at the door. Mr. Vogel "felt that it was a very hard thing that Otago, which required money for the construction of branch railways, should go away from the Assembly without any money in its pocket, while other provinces went away with plenty." An Otago Provincial Public Works Advances Bill, to enable the Government to advance £60,000 for railways, on terms to be agreed upon, was passed in both Houses without a division. The ability to make advances had been provided for by an

Immigration and Public Works Loan Act, 1874, authorizing the raising of £4,000,000 sterling. Criticised in the Representative House, it encountered an amendment moved in the Council by Mr. Waterhouse, who tried to eliminate from it the clauses which made the loan applicable to the extent of nearly £1,000,000 sterling to other than railway works, and told the House that unless the Legislature would check extravagance ruin would overtake the colony. Dr. Grace, after admitting that his financial knowledge was inferior to that of Mr. Waterhouse, proved the truth of his assertion by saying: "It is an appalling fact that £2,500,000 of bank capital should be invested in this colony; but since it is a large sum of money I am glad it is so large." After long debate Mr. Waterhouse's amendment was rejected by 24 votes against 9, but there were doubts amongst the supporters of the Bill as to its wisdom. Mr. Buckley deplored that the main feature of the policy of 1870 was set aside, inasmuch as land was no longer made to bear the burden of the loans. Mr. Bonar, in supporting the Bill, claimed credit for the Council, whose rejection of unwise measures in 1873 had compelled the Government to adopt a more prudent policy in 1874. Yet, according to his figures, the liability of the colony on passing the Bill would be £18,549,943, the population being nearly 350,000. An Immigration and Public Works Bill was passed to give effect to some of the provisions of the Loan Bill. It also dealt with the purchase of land from the natives, for which £700,000 had been authorized at various times. The friends of the Maoris took occasion to declaim against artifices resorted to in obtaining their lands; and Captain Fraser declared that in the Middle Island, where temptation was not applied by colonists covetous of land, "the Maoris had abjured drinking altogether." "How would the Europeans have got the land in Hawke's Bay if the Maoris had not been encouraged to drink? He paused for a reply,"—but none was vouchsafed. "Gross injustice had been done to the whole Maori race, and he would never cease to express his opinion on that subject." Exception was taken to a provision authorizing the advance of £50,000 to the province of Auckland, to assist a corporation known as the Thames Pumping Association, at the Thames gold-fields. Mr. Holmes, from Otago, believed that the

sum was placed in the Bill in consequence of a visit by Mr. Vogel to the Thames gold-fields, and a promise made by him to the miners. "He questioned if it was right, even for the Premier himself, perhaps in a fit of enthusiasm, to pledge the country to the outlay of £50,000 in such an extraordinary manner, and for a purpose quite unusual." Dr. Pollen replied that he did not recollect that the promise quoted had been made by Mr. Vogel, "but, if it were true substantially, it would not affect the question in any way"; and the Thames Pumping Association was successful. The session came to an end on the 31st August. Sir James Fergusson, having resigned his office, introduced some valedictory words in the prorogation speech. He told the members that the session would be memorable for having rung the knell of the provinces in the North Island. He was advised to say that the decision was accompanied by ample proof that the land fund would, nevertheless, "as far as possible, be localized," and not absorbed by the General Government. To ensure the assent of the inhabitants of each province to the contemplated changes, it was desirable that the inhabitants, especially in the Middle Island, should put their faith in such a statement; but it was hard to believe that a Government, which moved in an atmosphere of deceit, and lived by the keeping or breaking of promises as might seem expedient for the success of the hour, would abide by the determination expressed by Sir James Fergusson. The State Forests Bill was applauded as an important benefit; and commercial intercourse with Polynesia was commended to the future consideration of the Assembly. There was no reference to the Maoris in the speech; but the promotion of immigration and public works was promised, and the re-establishment of the Californian mail-packet service, with the aid of New South Wales. The question of payment of members of the Assembly had been the subject of investigation before a Select Committee. Mr. Rolleston earnestly contended that the question should be dealt with as a matter of principle by a Bill, but it was finally left, as usual, to a vote in the estimates.

The Marquis of Normanby succeeded Sir James Fergusson, but the latter had various acts to perform before demitting his authority. In place of the indignant Mr. O. Rorke, Major



Atkinson, after the close of the session, became Minister of Immigration, and as Mr. Vogel wished to go to England to negotiate the new loan, Dr. Pollen was made Acting Premier during Mr. Vogel's absence, and on the 3rd December the new Governor arrived at Auckland. At Wellington, the Marquis of Normanby received a petition from Sir George Grey to the Provincial Council of Auckland, which Mr. Williamson, the Superintendent of the province, transmitted to the Governor with a request that it might be forwarded to Auckland. The subject was the appropriation of funds arising from the sale of lands in New Zealand. After much disquisition the petition urged that the Auckland province could justly ask for time to enable it to come to fair terms with regard to land revenues before vital changes should be made or sanctioned by the British Parliament. The Governor referred the petition to Dr. Pollen, who was unable to divine the foundation of Sir George Grey's fear and sneered at his statements. The Marquis of Normanby transmitted the documents to the Earl of Carnarvon. Before any reply was received Sir George Grey was elected member for Auckland City West, and the death of Mr. Williamson, the Superintendent of the province of Auckland, enabled the electors to confer the office of Superintendent upon Sir George Grey in the same month. His speeches were received with acclamation, and he seemed to represent an unanimous people. It was sad, but not unnatural, that the treatment he had encountered from more than one Secretary of State had jaundiced his judgment, and he proposed that the Colonial Office should be set aside and that New Zealand "should have a Secretary of State of our own." But he was facile and persuasive. Everything he said was applauded. Those who did not agree with his opinions admired his rhetoric.

In 1875, the meeting between the Maori king and Sir Donald McLean, so anxiously sought by the latter, was brought about by the aid of Te Wheoro. Sir Donald McLean reached Alexandra on the 26th January, and remained there while friendly chiefs conducted the necessary preliminary measures. Te Paea, the king's sister, had recently been buried, and Te Wheoro and other chiefs attended at Waitomo to take part in a "tangi," or lamentation for the dead. On the 3rd of

February McLean was welcomed, and after due formalities (a part of which was an interval of strict silence), Tawhiao briefly said that his word was, "Let the Pakeha who are spread over the world return to the appointed place (probably Maungatawhiri, where General Cameron commenced the war and which the Maoris had called their boundary). If they return thither, I will follow and return to Waikato." Thus for the first time from the mouth of the king was made the same demand which his deputies had previously made in his name. Tawhiao suggested that the Governor might visit Te Kuiti. McLean subsequently informed Tawhiao that the abandonment of the territory confiscated by law in Waikato was quite out of question, and Tawhiao said: "Don't suppose that this will be your last visit to us. Come again." Sir Donald McLean's propositions were: 1st, That Tawhiao should exercise his authority over tribes within his district. 2nd, That he should choose his Council of chiefs to keep order and repress wrong. 3rd, That the New Zealand Government should assist him. 4th, That the Government should build a house for him at Kawhia, and grant to him certain lands on the Waipa and Waikato rivers, Nothing was agreed to; nevertheless much was thought to have been accomplished. The Civil Commissioner, Mr. Kemp, who with others accompanied McLean, wrote that the meeting, "whether viewed politically or in connection with the welfare of the settlers, could not but be regarded as of paramount importance." One thing was plain to Maori and to Pakeha, that the policy propounded by Sir Donald McLean might, in 1860, have averted the Waitara and Waikato wars, and enabled the king-maker to exert his sagacity for the general good. Reports from various districts confirmed the idea that McLean's visit was beneficial: but the contemplated meeting at Kuiti did not take place. There was a meeting of chiefs there in March, but when Tawhiao found that the Governor did not respond to his invitation he kept aloof. Rewi, with about 40 followers, visited Whakatane and evinced friendly feelings to Europeans in various ways.

Death was busy amongst the elder generation of Maoris. Old Mohi Tawhai, a companion-in-arms of Waka Nene against Heke, more than 80 years old, was mounting his horse after

attending Divine Service and fell and died. He it was who was mainly instrumental in preventing Colonel Despard from repeating at Ruapekapeka the assault so disastrous under that officer at Ohaeawae.<sup>1</sup> His gallant services were not forgotten. At his funeral at Hokianga it was said that every respectable European in the district joined in paying respect. In Wanganui, Pehi and Tahana Turoa passed away. The resident magistrate reported that he should much miss Tahana, who as assessor and otherwise had always given him wise counsel. Tahana was owner of much land, and left a will which was duly proved in the Supreme Court. The resident officers reported from various districts that there seemed to be a slight improvement in the condition of the Maoris. With less dissipation there was more intelligent industry amongst them.

Sir Donald McLean busied himself in purchasing land. At Maketu he met numerous chiefs, and the result of his conference was an order to the Land Purchase Commissioners to discontinue their negotiations in the Arawa territory. He communicated the result of the labours of his department to the Assembly in an elaborate statement, to the reading of which exception was taken as unparliamentary. The land acquired or under negotiation under the Public Works and Immigration Acts was, in 1875 :

	<i>Purchased.</i>	<i>Lease.</i>	<i>Incomplete Transactions.</i>	
			<i>Purchase.</i>	<i>Lease.</i>
In Auckland	490,784	391,601	1,618,686	1,214,667
„ Hawke's Bay	240,537		37,000	
„ Wellington	429,702		1,202,026	307,835
„ Taranaki	170,499		84,130	
	<u>1,331,522</u>	<u>391,601</u>	<u>2,941,842</u>	<u>1,522,502</u>

The prices paid averaged 2s. 5½*d.* an acre. The money paid for completed and incomplete transactions was entirely under the control of the Native Department, and there were not wanting men who denounced the mystery in which Sir Donald McLean shrouded his proceedings. He urged the Assembly not to press him unduly, but to leave him to work out the problem "as the Government may deem safe and advisable." Under his control the times continued peaceful.

Again it was reported that Te Kepa Rangihwinui's advice had

<sup>1</sup> 'Life of Archdeacon Williams,' vol. ii. p. 120.



restrained the warlike passions of his countrymen, who would have resorted to violence rather than to the law in the Wanganui district. At the Chatham Islands the Moriori race was said to be rapidly disappearing. Their peculiar dialect was spoken only by a few aged persons. The young were sickly. They presented a picture which might haunt the minds of their late masters. The Maoris might regard their own fate in that of their Helots. The education of the chieftain class, to which Sir James Fergusson had drawn attention, was little regarded. Two or three boys at the Grammar School at Auckland and one at the Wellington College were distinguished from about 1500 on school registers throughout the provinces. Out of £12,000 devoted to Maori education in the year nearly £2000 were native contributions.

Like his predecessors, the Marquis of Normanby journeyed throughout the provinces. Christchurch, with the railway tunnel on the line from Port Lyttelton; Dunedin, with its fertile districts, extorted his praise. He told the Secretary of State that, bold as had been the plunge into indebtedness, he believed the policy sound, "provided that it is not carried too far,"—a safe prediction, which seemed to hint that he already had misgivings as to the tendencies of his advisers. The march of events had so completely carried questions affecting the Maoris into the hands of Sir Donald McLean that the Governor's despatches rarely alluded to them. His opening speech proved the truth of the contested prophecies of the opposition in 1874. The Assembly was to be invited to decide whether, on the whole, it might not be well to abolish provinces as well in the Middle Island as in the North. The meeting of King Tawhiao with Sir Donald McLean was spoken of as a herald of future good. The negotiation of the new loan for £4,000,000 in London was declared successful, and the Marquis hoped that Divine wisdom might guide the Assembly in its efforts to discharge its onerous duties. Mr. Vogel had not returned to the colony. His colleagues in negotiating the loan were Sir P. G. Julyan, Dr. Featherston, and Mr. Sargeaunt. He had differed from them. They thought it best to sell the debentures in two instalments. He desired to sell the whole at £94 to the house of Rothschild, giving a commission of two per cent. to Messrs. Rothschild for their aid in floating the loan,—they giving a guarantee for the immediate sale

of three millions. Reluctantly the other agents yielded to the energy of Vogel, and the loan was negotiated according to his wish. The net price received after deducting accrued interest was £90 19s. 7d. On the 28th May, the Earl of Carnarvon apprised the Governor that, on his recommendation, Her Majesty had been pleased to direct that the successful negotiator should become Sir Julius Vogel, K.C.M.G. The new knight transmitted a medical certificate of ill health, and remained in England for a few months to wear his honours before exhibiting them amongst the colonists. The absence of the Premier during a session was thought likely to lead to attacks on the Ministry. He tendered his resignation in May, and his colleagues reconstructed their ranks. Dr. Pollen became Premier, and Sir Julius Vogel Postmaster-General. Major Atkinson took the post of Treasurer. Sir Donald McLean was immovable. The Speaker of the Legislative Council, Colonel Richardson, had been made a Knight Bachelor early in the year. A member of the Weld Ministry in 1864, and of the Stafford Ministry from 1866 to 1868, he had a reputation in New Zealand in spite of his complicity in defrauding the natives of their reserve at Dunedin, and the members of the Council congratulated him on the Queen's favour. There was no sign of weakness in the reconstructed Ministry, but the Representatives unanimously replaced in the Chairmanship of Committees Mr. O'Rorke, who had so indignantly severed his connection with Vogel in 1874. Sir Donald McLean and Sir George Grey were his proposer and seconder.

The burning question of abolishing the provinces was destined to distract the Assembly throughout the session. Not much was done with regard to native affairs. Taiaroa reminded Sir Donald McLean that the Government had promised in 1873 to place a native chief of the Middle Island in the Legislative Council. Sir Donald McLean admitted the promise but alleged that circumstances had prevented its fulfilment. The Government would consider the matter. Taiaroa withdrew his motion "on the understanding" that the Government agreed to it. Mr. Sheehan brought before the House the petition of 145 Hauraki natives, complaining of restriction on their power to deal with their lands; insufficient representation of Maoris in

the Assembly; and neglect to place Maoris on the jury lists. Mr. Sheehan urged that the Maoris would be entitled to six additional members if the scale of representation given to colonists were adopted. Sir Donald McLean expressed a hope that the need of special representation would pass away as the Maori youth, by learning English, might become qualified to speak like other members. Maori representation had been a necessary but temporary expedient and would be superseded. Karaitiana Takamoana protested against leaving everything to the will of the Native Minister. Katene advocated the admission of Maoris to all civil rights. Sir George Grey followed on the same side. Taiaroa declared that the representation afforded was a sham. Better would it be to have no Maori members than a few whose words were not heeded. "Therefore it is that I care not to speak much in the House. It is not worth while. The best thing will be for Maoris to depart. The Government always say they will consider a matter, but they do nothing. Why not bring down a Bill now? If they put off these questions to another year I shall consider that they await the extinction of the Maori race."

Mr. Alexander Mackay, having compiled a statement of the lands purchased by Europeans in the Middle Island, Taiaroa moved (30th September) that the statement should be printed in Maori. Sir Donald McLean objected to such an expense. He would consent to publish a reasonable selection. Sir Donald McLean's refusal was supported. But Wi Tako Ngatata was in the Council, and moved a similar motion there on the 13th October. Party spirit was not so strong in the Upper as in the Lower House, and Doctor Pollen the Premier agreed to the motion, which was carried without a division. Taiaroa was to learn from the statement that the English had bought land in the Middle Island for about an eighth of a penny an acre. The chiefs of the north would learn that they had obtained more money, but that it was sprinkled with blood. Mr. Mantell bitterly remarked that the agents employed by the Government in the North Island received about eightpence an acre as commission on any rubbish they chose to buy. The Native Affairs Committee in the Lower House reported on the petition of Middle Island natives that a Commission ought to be appointed



on the alleged unfulfilled promises in connection with land purchases. Taiaroa had fought his battle in the Committee with the aid of counsel. Mr. Sheehan moved (6th October) that the report be referred for "the favourable consideration of the Government." Taiaroa ran over the years in which he had vainly asked for justice as to the claims. He had said that they would amount to £2,000,000 sterling as well as land. Mr. Mantell's estimate was higher than his own. He would still consent, as in a former year, that the Government should nominate one Commissioner, the Maoris another. The natives did not care to lay the matter before the House; they had selected him to manage it, and had collected £5000 to enable him to submit it to the Queen. If the Commission should be appointed let it have power to act, "because who knows who will be here to talk about it if brought before the House? There may be no Maoris here." Mr. Carrington in reply to Taiaroa desired that a portion of his evidence before the Committee on Native Affairs should be read. He had therein declared that "having knowledge of the matter through meeting directors and gentlemen of the New Zealand Company in 1839 and 1840, prior to coming to the colony as the Chief Surveyor of the Plymouth Company of New Zealand," he thought it right to make a statement. The value of his statement may be shown in a brief extract: "The question as to one-tenth of the land being reserved for the natives in the inhabited districts, so far as my knowledge goes in this matter, had special reference to the North Island (which was populous). . . . Hence I never heard of its being contemplated by the New Zealand Company that a reservation of one-tenth of the land of the Middle Island should be set apart for its natives." When the evidence was read Taiaroa rose and said: "As for what is said by the honourable member, he has never been in the Middle Island at all." The chief, though slightly contemptuous, was lenient to Carrington, who was either ignorant or untruthful. In the celebrated agreement which the company wrenched from Lord John Russell it was expressly stipulated that the reserves should be made everywhere, and in the first and cardinal instructions issued by the New Zealand Company to Colonel Wakefield before he sailed in the 'Tory' in 1839—of which period Carrington claimed

a knowledge—were these words: “You will take care to mention in *every booka booka, or contract for land*, that a proportion of the territory ceded, equal to one-tenth of the whole, will be reserved by the company, and held in trust by them for the future benefit of the chief families of the tribe.” Those instructions were published; and the beneficence of the company was loudly extolled by its friends on the ground that, unlike private speculators, it made reserves on so imposing a scale. Colonel Wakefield in his alleged deeds of purchase in the Middle Island bound the company to hold the reserves in trust for the “chiefs, their families, tribes, and successors for ever”; and on surrender of the company’s charters their obligations devolved, not only naturally, but by express stipulation, upon the Crown. It will be hard for Englishmen to believe that one of their countrymen could make a statement so glaringly untrue as that which provoked the mild censure of Taiaroa. Sir Donald McLean having characterized Taiaroa’s claims as extravagant, but admitted that he was “quite aware that unfulfilled promises existed,” the debate was adjourned. On the 13th October, Mr. Macandrew moved an amendment declaring that there were no unfulfilled promises, but could not carry the House with him in so glaring an assertion. Mr. W. Kelly, as Chairman of the Committee, declared that “there no doubt remained many unfulfilled promises, and something should be done in the matter.” Donald McLean had stipulated that a decision arrived at by the Native Land Court at Canterbury, which was ratified by “the Ngaitahu Reference Validation Act of 1868,” should not be challenged. The Act in question will be remembered as legalizing retrospectively an improper reference to the Native Lands Court. The field of justice was circumscribed, but it comprehended “schools, hospitals, and other advantages.” Even this Mr. Macandrew would have refused; and it was only agreed to by the members on the understanding that for final decision it must be again submitted to the House. McLean positively refused to “go behind 1868,” in which the Land Court had over-ruled the claims of Heremaia Mautai. Other matters unadjusted by the Court he consented to examine. On the 7th October, Taiaroa moved the second reading of a Bill to provide for the election of three more Maori

members. Though supported by Sir Donald McLean the Bill was defeated by 23 votes against 17. Mr. Reynolds, a Dunedin member, and one of the Ministry, voted against Sir Donald McLean; and Mr. Macandrew, with an ignoble following, completed a majority which contained the name of Rolleston. In a general Representation Bill, Taiaroa again essayed to obtain one member for the Waikato district. Sir George Grey supported but Sir Donald McLean deserted him, and the proposal was rejected by 39 votes against 22. On the 5th October, Mr. Sheehan moved: "That this House regrets to hear of the scandalous and dishonest dealings of certain Europeans in the acquisition of native lands at Hawke's Bay, and of the fact that high officers of the Government have been either connected therewith or were cognizant thereof; and considers that such transactions are a stain upon the good name of the colony." He animadverted warmly upon the manner in which, after the Crown had waived the sole right of purchase from the natives, they had been inveigled by artful agents. He showed how signatures had been extorted from Maoris; how to relieve themselves from debts they had been under duress persuaded to sell their rights; how Henare Tomoana, the champion who was the first to foil Te Kooti, had in equipping Maoris to fight the Hau Haus incurred a debt of thousands of pounds, the cancelling of which was the engine brought to bear upon him to extort his signature; how Karaitiana Takamoana, the Maori member, half brother of Henare Tomoana and co-proprietor in the land, had moodily resisted and vainly besought the Native Minister to avert sale by such untoward methods. The freehold of the Heretaunga block, close to Hawke's Bay, comprising about 18,000 acres, illegally occupied by settlers before the Government abandoned the exclusive right of purchase, had, by the arts he described, passed into the hands of Europeans when the law permitted them to buy. Mr. Ormond, member for Clive, was amongst the purchasers, and Mr. Sheehan complained that, in bargains for lands bought for Sir Donald McLean himself, an agent had been employed, who, having been previously dismissed from the public service for embezzlement, had plied base arts against the Maoris with whom he dealt. The Native Minister and Mr. Ormond replied at great length. Mr. Sheehan



had been professionally engaged as advocate for the Maoris in the Courts, and Mr. Ormond's principal retort was that Mr. Sheehan must be looked upon as a paid spokesman. Many members spoke in a long debate. It was admitted that wrong had been done in many cases. Karaitiana Takamoana declared that if the House yielded to Sir Donald McLean and stifled discussion he would appeal to England. "Maoris prefer to be destroyed themselves rather than see their lands destroyed. Neither the Superintendent of Hawke's Bay (Mr. Ormond), nor the Native Minister (Sir Donald McLean), had a good name with the Maoris at Napier. If the House will not deal with the matter, the Maoris will go on until they lose their skins in the Supreme Court. . . . If the House will not agree with this question there will be mischief in Hawke's Bay. The Maoris consider that treachery has been committed there." Mr. Sheehan's motion was lost in the Legislature, but as counsel for the Maoris he had the arena of the Supreme Court to resort to. At that time the struggles in the House were severe upon general political subjects, and it was unwilling to be diverted from them. Nevertheless in its conscience it knew that wrong had been done. Three days later Sir George Grey brought forward resolutions condemning the purchase by Government agents of lands for the behoof of such agents or other persons, and claiming as public estate lands already improperly purchased by such agents, on the refund of the amounts paid by them. Sir Donald McLean met the motion by promising that, in future, agents should not be permitted to traffic privately for lands, but neither he nor the House would probe past transactions. By 36 votes against 22 Sir George Grey was defeated. With regard to a transaction at the Piako swamp the Government had broken the law. The minimum upset price of land in the Auckland province was five shillings. A tract exceeding 70,000 acres had been parted with by private arrangement for a less sum than the legal minimum. Sir Donald McLean pleaded that the land could not have been sold at all unless by special arrangement, and that though Mr. Thomas Russell and his friends had paid less than the price fixed by law, they had been bound to make a road through the Piako swamp which would compensate the public, the rebate of half-a-crown per acre being the maximum

allowance to be made to them for the cost of the road, in which case the price paid per acre would fall to half-a-crown an acre. McLean was able even by such an explanation to satisfy the House. His colleague, Dr. Pollen, brought in two Bills in the Council, one to enable Mr. Russell to exchange some land for other waste land, the other to enable Mr. Whitaker to resign land claimed by him, and select an equal quantity elsewhere. Both Bills were thrown out at different stages. A Select Committee recommended with sarcastic simplicity "that in all future transactions any alterations in the law that may be desirable should precede and not follow the agreement for the purchase of land." Sir Donald McLean's Committee in the Lower House was more lenient, but it declared that "dealings by private contract with the public landed estate are inexpedient, and they are glad to observe that the Government have proposed to bring the confiscated lands under the operation of the ordinary waste lands laws of the colony." The subject was not dead, however. The time within which Mr. Russell had been bound to pay had expired, but he had not paid. Dr. Pollen stated before a Select Committee of the Lower House, that unsettled native claims and the confused position of the confiscated boundary were obstacles to closing the transaction. He seemed to think the Government had power to complete it. Mr. Whitaker's name was to appear prominently in connection with the Piako swamp. It will be remembered that he was vigorous in urging sweeping confiscations in 1864. Subsequently, in 1867, when Superintendent of the province of Auckland, and also Government Agent at Auckland, he was appointed Commissioner for the sale and disposition of the confiscated lands. His own claims were involved in one of the Bills which Dr. Pollen strove in vain to induce the Council to pass. He had purchased the interest (dating from 1844) of other persons in land of which about 18,000 acres had been awarded to him by Mr. F. Dillon Bell. But the natives had never surrendered their claim to about 14,000 acres of the block, and Mr. Whitaker abstained from taking steps which Dr. Pollen declared might have created a native disturbance. He had never taken possession. Maoris were in occupation. Mr. Mackay, Government Land Purchase Commissioner, reported that he could

negotiate for the purchase of 200,000 acres if the 14,000 acres claimed by Whitaker were abandoned to the natives. Pollen's Bill proposed to allow Mr. Whitaker to select elsewhere. The Council thought an undue advantage would thus be conferred. Mr. Holmes said that the Government were using improper influence in trying to make good a title which was inherently weak because Mr. Whitaker had never taken the required steps to survey the land and obtain a title. The casting vote of the Speaker crushed the Bill for the time, but in after years the subject was to be revived. Meanwhile Sir Donald McLean was harassed beyond his powers of endurance by the checks which he received. He passed in the Lower House a Confiscated Lands Bill, which it was hoped would enable the Piako swamp to be dealt with, but it broke down in the Council. A debate took place on the 8th September, which awoke kindly feelings. Mr. Williams, from the Bay of Islands, moved an address to the Governor, praying that a sum might be put upon the estimates to maintain in "decent order the graves of the officers and men who fell during the wars with the natives." He told how the Ngapuhi warriors, who under Heke and Kawiti at Ohaeawae slew English soldiers, had in after years built a church on the site of the fatal pah, and granted land as a sacred resting-place for the dead; how reverently they had assisted in placing the remains in hallowed ground, and joined in the burial service spoken in Maori by Archdeacon Clarke; how volleys were fired over the graves as fit for a soldier's farewell; and how the two races had joined in hand and heart throughout the ceremonial. Mr. Kelly from Taranaki suggested that honour should be paid to the gallant Maoris who had fallen at Mahoetahi and Huirangi. Sir Donald McLean and Sir George Grey chimed in with friendly voice. Katene and Parata welcomed the kindly feeling shown by the House. Parata said: "I speak not now only of those who fought for the Queen, but of all. There is no fighting now, and the time has come when the Legislature may pay equal honour to those who fought on both sides. Hearts which are now dark will be comforted when these things are done."

It has been convenient to view the aspect of Maori questions first, as in previous years, but the battle-field of the session was the abolition of the provinces. Vogel was not in the House.



Sir Donald McLean moved (28th July) that leave of absence be granted to him for the session, and it was granted after a debate in which Mr. Reader Wood taunted the Government with being under the control of Mr. Stafford. Mr. Fox, their former patron, was absent in England. The leave asked for was granted; Mr. Rolleston remarking that the country would gain if the absence "were prolonged indefinitely." On the 6th of August, Major Atkinson moved the second reading of the Bill to abolish the provinces. It contained a clause for endowment of Road Boards, but the Government, not knowing what form of government "those bodies would be desirous of assuming," would "be prepared to make any alteration which honourable members representing those districts" might desire. Local rates and licenses were to be handed to the cities and Road Boards. But for the title of the Bill, which warred against the provincial ideas by means of which Mr. Vogel had expelled Mr. Weld from office in 1865, there was no evidence of a desire to destroy local government; and through the endowment of Road Boards the arts by which Mr. Vogel had maintained a majority in the Assembly, in administering public loans, might be revived under another name. Gaols, harbours, police, lunatic asylums, and education, were to be the care of the General Assembly. Major Atkinson admitted that in the past the distribution of public revenues had been iniquitous, had been indeed "a gigantic scramble on the floor of this House, or in the lobbies," but he expected that the annihilation of the provinces would purify the parliamentary air. Sir George Grey opposed the Bill in a speech of which a member said, that though it had not convinced it was admirable for its eloquence. Mr. Reader Wood analyzed the financial aspect. "Pass this Bill, and the last trace of the land fund of the colony will vanish like a streak of morning cloud: pass it, and you strike a blow at the credit of the colony under which it will reel again." The House sat late night after night. Mr. Montgomery quoted the public complaint of Sir Julius Vogel, that instead of £8,000,000 sterling only £6,500,000 had been spent on railways, the difference being "represented by the expedients to which we have had to submit in order to purchase support from the provinces." "I can understand this regret," said Mr. Montgomery, but

"history will say that the Government might have withstood unjust demands, that they should not have been afraid of losing their positions, that it was the lust of power that made them thus dispose of public property. . . . They regret it, not for the wrong done, but for the amount of money it cost to do it." Mr. Tribe said that because change was necessary he would vote for the second reading, reserving his right to oppose the third reading unless great alterations could be made in Committee. He hoped to obtain more money for his district, and said: "If I have the honour of a seat in this House next session I shall have to come down and take part in a scramble. I suppose I shall have to fight the battle and log-roll as well as I can." Mr. Vogel's system of "purchasing support" had so dulled the moral sense of the House, that no exception was taken to this language. A Mr. Shepherd signalized himself by arguing that Provincial Councils ought to be abolished because the gold export duty was kept alive by their repugnance to lose a legitimate source of revenue. Frugal of their own incomes, he hoped they might be more profuse if they could dip their hands in the public purse. The Government had a clear majority in the House, and the fame of the devices of the Opposition to gain time and obstruct the passing of the Bill spread beyond the bounds of New Zealand. On the 17th August, after long debate upon the formalities with which the Bill had been introduced, and further debate on the Bill when points of order had been set aside, the House sat till daylight streamed in upon the Chamber. That night Mr. Rolleston denounced the Bill. If it should pass, separation of the two islands would follow. The Ministry was governed by Mr. Stafford, and who guided Mr. Stafford Mr. Rolleston could not tell. The House was asked to launch into chaos. If the Bill should pass, the land laws of the provinces would soon be moulded on a uniform plan, and the land fund become common revenue. He had but one hope; that the Council, which had already averted many mischiefs, would refuse to pass the Bill. Mr. Bowen, the Minister of Justice, admitted that Mr. Vogel had "given way to provincial pressure, as all Colonial Treasurers had to give way before him;" but he did not quote the opinion of any other Treasurer that the support was bought at a price. He affirmed that if the Bill

should not be passed "a scramble would take place within a year that would ruin the finances of the country." Karaitiana Takamoana declared that previous wrongdoing towards the Maoris had been the fault of the General Government, and he was loth to strengthen its power for mischief. Mr. Reeves, a member of the Fox Ministry in 1871, on the following day took up his parable against the Bill, and was succeeded by other speakers before Mr. Stafford stepped forth to throw his ægis over the men who had hurled him from office in 1872. He disclaimed the post of guide to the Ministry, and assumed the position of one of the rank and file supporting them in a wise measure. He advocated the abolition of the provinces as good in itself and acceptable to the people. Mr. White, from Hokitika, declared that the Government had, by the mouth of Mr. Vogel (still a member of the Ministry), expressly promised that ample time would be given to the country to consider the measure. It had not been given. The intention announced in 1874 had been outrun in 1875, and the country had had no opportunity to weigh the wide contents of the Bill before the House. On the 20th August, Mr. Fitzherbert ruthlessly showed how earnest had been the praise bestowed by Mr. Vogel and Mr. Fox in 1868 upon the Provincial Governments, which Sir Julius Vogel and his colleagues were in 1875 faithlessly endeavouring to destroy. Mr. Stafford's inconsistency he exposed by showing that he was in 1856 a party to the compact to localize the land revenue. Then he acted in a narrow provincial spirit. Now he "comes forward as the champion of centralism." . . . "By all that is honest, by all that is respectable, by all that is honourable in political life, and by all precedents in countries where parliamentary government exists, I say most plainly that, as men of honour, maintaining the opinions which they came into office to support, the Ministry should no longer be sitting on those benches. They were pledged by all that men hold sacred to vacate their seats. There is no term of opprobrium too strong for men who so abandon their principles. These are facts. I have proved them in the course of my speech." Mr. Fitzherbert predicted revolution if the sense of the people were not duly taken; and severance of the colony as the result of the measure. Mr. Macandrew declared that public indignation



would be immeasurable when it became known that the measure differed so widely from that which had been promised. Day after day the debate endured. The Ministry resolutely pressed it forward, and the Opposition resorted to various devices to delay it. On the 27th August, Sir George Grey raised a question of privilege, because of words used by Mr. Ormond the day before, damaging to the character of Auckland and its inhabitants. The Speaker with much difficulty maintained order, amidst the personal recriminations of members. On the resumption of debate upon the Bill, Mr. T. Kelly from Taranaki supported it on the ground that the varying land laws in each province were unintelligible to would-be immigrants. Mr. Stout, rising with professed diffidence as a new member, made so powerful a speech against the measure that the House was congratulated by a Government supporter on the accession to its ranks of so able a speaker, already, though young, an ornament to the bar. After an elaborate reply from Major Atkinson, who produced tabular statements to prove that every province would derive pecuniary benefit from the proposed changes, the second reading of the Bill was carried by 52 votes against 17; long after midnight. The minority was only relieved from contempt by comprising names which had long been honourably known in New Zealand. The struggle in Committee was yet to be encountered, and the Government announced (2nd September) that to secure general support they would introduce ancillary Bills—to divide the provinces into districts in which Boards of Works would be elected, and in which the balance of the land fund would be appropriated—and to create or confirm in each province Boards of Education in which existing reserves of lands for educational purposes would be vested. Taunted for the equivocal manner in which they tried to ascertain, piece-meal, the propositions which the House would approve, the Ministry amid much evil report pursued the uneven tenor of their way, and moved the adoption by the House of appropriation clauses agreed to in Committee. Sir George Grey had already begun to provoke ironical laughter by high-sounding allusions to the rights and liberties of man,—especially of man in New Zealand,—and he made a speech strangely compounded of such sentiments and of assertions that the New Zealand Assembly ought

not to pass the Bills without obtaining the sanction of the British Parliament. Mr. Sheehan struck an unusual note when, in reply to a statement made by Mr. May that the war of 1860 was inevitable, he declared that it was not inevitable, and that the vote of the south had forced it on the north. The Government did not reply, and seemed determined to sit in silence until the Opposition speakers might be exhausted. In vain did Mr. Fitzherbert rally them upon the sudden change of front by which, availing themselves of suggestions made by Mr. Macandrew, they had conceived by illicit process the project of substituting Boards of Works and Districts for Provincial Councils and Provinces. In vain did a member who had voted for the second reading plead for an interval in which public opinion might have time to ripen. By 37 votes to 15 the appropriation clauses were adopted. On the order of the day for the committal of the Bill, Major Atkinson laboured to show that Otago and Canterbury would not suffer by its operation, and he gave the cold comfort that the Government would during the recess consider how to relieve the land fund, and yet promote local public works. He strongly repudiated the insinuation that the object of the Government was to lay hands upon the land or any other revenue of the south. Mr. O'Rorke, the Chairman of Committees, whose mouth would be closed in Committee, fervently denounced the mode in which Sir Julius Vogel, having "floated into lucrative office" on the strength of provincial professions, "turned traitor to the cause which placed him in office." The Government maintained a masterly silence, and after long beating of the air by the Opposition, the House gave Major Atkinson a majority of 44 votes against 22. But the defeated did not abandon the field. Every subject which could furnish material for debate was seized upon. Public meetings were held at Auckland and elsewhere to strengthen the hands of the Opposition; but the Ministry maintained that public opinion was in favour of the Government. On the first night (9th September) on which the Bill was in Committee, the Government policy of abstinence from speech was neutralized by the profusion of their opponents. As one member sat down at midnight, Mr. Reader Wood rose and said: "The honourable gentleman has said that his time is up. I look at the clock,

and I have to tell you that my time has begun. And here, sir, you will find me till eight o'clock to-morrow morning, and then other members will rise." . . .

The Government sat silent. At six o'clock in the morning there was an adjournment until ten. All day long the battle—*si rixa est ubi tu pulsas, ego vapulo tantum*—was waged in the same manner. When the time arrived for the ordinary sitting of the House (on the 10th September) the mace was removed from under the table, and a debate on the imputed irregularity of procedure arose, during which the Speaker entered the Chamber, and after prayers had been read, left the chair. But he left it only to hear and to join in a discussion whether it was competent for him to interrupt the sitting of the Committee by taking the chair before the Chairman of Committees had vacated his seat in consequence of a resolution in Committee. It was contended that the sitting having been interrupted, the consideration of the Bill in Committee ought to be fixed for some future time. Eventually by 30 votes against 22 the Government rejected a motion to report progress, and Mr. Murray (member for Bruce) in a vigorous speech declared that he would not characterize the majority as history would paint them, but would say that if the people of New Zealand would permit such tyranny they were not worthy of the liberties they enjoyed. At eight o'clock, in a weary House, overtures were made by the Opposition, progress was reported, and Sir Donald McLean moved the adjournment of the House until the 14th September, in order that an arrangement might be made "to terminate the existing differences."

On the 15th September, Sir Donald McLean announced the terms agreed upon. The Bill was to be allowed to pass without unreasonable opposition in Committee, and the Government agreed that the date for bringing it into operation should be the day after the prorogation of the first session of the new Parliament. Sir George Grey had been unable to acquiesce with the terms (made by Mr. Fitzherbert and others), but agreed to respect them. The agreement to allow the Bill to pass through Committee was loyally adhered to. In dealing with the revenue derived from gold, Sir George Grey made known his subjection to the mischievous delusion that the gold export duty was a



class-tax. He compared it unfavourably with an export duty on wool. He spoke as if he was blind to the fact that though sheep depastured on Crown lands produce wool derived partly from the public property, they use only the annual grasses which nature rears again; whereas the gold extracted by the miner has been taken from the State treasures for ever; and if no royalty by way of customs duty or otherwise be charged, has been lost to the public. He found 20 members to vote with him, but was defeated.

The mode of dealing with the land fund was earnestly debated. The Bill created a separate land fund for each province, and charged it with all payments for interest, &c., chargeable against the province; with the cost of survey and management of waste lands; and with annual payments by way of endowments of local governing bodies. The endowment was to be "one pound for every one pound of general rates received within the road district." There was also to be a like endowment from the Consolidated Fund in each "road district or municipality." To the statement that Sir Julius Vogel had in express terms committed the Government to "the localization of the land revenue," Major Atkinson retorted that he would not propose such a thing on looking at the existing position. The confidence with which, on both sides of the House, financial statements were made was equalled by their diversity. In the end the Government prevailed. The residue of the land fund was then to be dealt with. The Government proposed that one moiety of it should be devoted to the immigration and public works scheme; the other be distributed in each district to public works by the General Assembly. Mr. J. E. Brown (member for Ashley), who supported the Bill, moved an amendment that the whole of the residue should be applied by the governing bodies in the construction and maintenance of public works in provincial districts "in such manner as shall hereafter be provided by the Bill of the General Assembly constituting such governing bodies in such districts." The Speaker, Sir Dillon Bell, warned the House that to pass the clause would inevitably force the land fund into the general treasury. He shrunk from the "log-rolling" which he dreaded as inevitable if the local bodies should have funds placed at their disposal by the vote of the House.

Mr. Stafford was doubtful about Mr. Brown's amendment. There was much to be said on both sides. In the end the Government abandoned their immigration proposals in favour of the simple public works idea of Mr. Brown. An endowment from the land fund of each provincial district of one pound for every pound raised by local rates, and a similar endowment from the Consolidated Revenue, excited debate, but the Government was successful. In the original Bill there was a clause dealing with land taken under the New Zealand Settlements Act, but Major Atkinson shrunk from submitting it, and promised to prepare a separate measure upon the subject. All paths were thorny that traversed the land question, and the revenues arising therefrom. On a clause, casting on the Consolidated Revenue the cost of police, gaols, harbours, hospitals, lunatic asylums, charitable institutions, and education, an amendment was moved to strike out "hospitals and charitable institutions," but was rejected. Then, for the first time, the Government was defeated. Mr. Macandrew carried a proposition to add "museums" to the already comprehensive clause by 31 votes to 25, and the care of "public libraries" was added without the risk of a division. The Government, and their patron, Stafford, vainly strove to retain the endowment of one-fourth of the gross land revenue enjoyed by the Timaru and Gladstone Board of Works. A general clause in the Bill preserved existing liabilities and appropriations. Mr. J. E. Brown moved a proviso to terminate the Timaru claims. Major Atkinson fought hard: Mr. Stafford, the member for Timaru, pleaded with more than usual warmth. In distress, the former proposed to postpone the clause, which at first he had refused to do. Mr. Brown was tenacious, and carried his proviso. A part of the price of Mr. Stafford's patronage could not be paid. On the 23rd September a proposed clause was denounced by the Opposition as a violation of the terms upon which they had consented to offer no extraordinary resistance to the Bill. "It shall not be lawful for the Superintendent of any province to convene the Provincial Council thereof, or for any Provincial Council to meet in session before the day next after the last day of the first session of the next or sixth Parliament of New Zealand." Was this, it was asked, compliance with the declaration by Sir

Donald McLean in the House, on the 15th September, that the Government conceded "that the date for bringing the Bill into operation shall be the day after the prorogation of the first session of the new Parliament" ? Mr. Macandrew was "utterly aghast." Mr. Rolleston would vote against so "glaring an act of folly." Sir George Grey appealed for the withdrawal of "an insult to every province in the colony." Mr. Fitzherbert protested. Including pairs, the clause was carried by 43 votes against 25, and more than 200 members of Provincial Councils became officially dumb. A few days afterwards the Government discovered that it was essential that they should not be utterly paralyzed, and another clause was passed to enable the Superintendent of a province to execute legal functions "with the consent of the Governor." There was a final debate on the third reading, in which Mr. E. J. Wakefield, while assisting to abolish the provinces, claimed credit for his father, Gibbon Wakefield, in establishing them. To deprive Sir George Grey, their putative father, of credit, Mr. Wakefield even admitted that the great Sir Robert Peel had, in 1845, suggested that the best foundation for future representative government in New Zealand would be the formation of municipal institutions, with extensive powers of local taxation for local purposes. He promised to write a history of the Constitution. He would not allow Sir George Grey to filch his father's honours. The Bill was passed by 44 votes against 25, including pairs. A Local Government Bill was to have complemented that for the abolition of the provinces. But warned by the difficulties which the latter encountered, the Government shrunk from proceeding with the former. It was read a first time on the 30th July, and the order of the day for the second reading was struck out of the paper on the 20th October, the Government promising to produce another Bill at the beginning of the next session. They held in their hands, therefore, the strings with which they thought to move the minds of members, and to excite the hopes of constituencies. Pliability of the first, and contentment of the second, seemed yet in their control. The Opposition vainly demanded that the new Bill should be "made public at least one month before the next session." A motion to that effect was defeated.

The Abolition Bill was easily passed in the Council. The



debate was adjourned for one day only, and the second reading was carried by 23 votes against 4. No delay was encountered in subsequent stages.

But the Government could not command a majority on all questions. A member of the Ministry, Mr. Reynolds, introduced a Bill to lower the qualification of electors. British born or naturalized subjects, holding freeholds of £50 value, and certain leaseholders and householders of not less than £5 yearly value, as well as holders of miners' rights, were already voters. Mr. Reynolds proposed to make the suffrage almost universal. Every resident for twelve months, except a Maori, was to be entitled to registration as an elector. Mr. Rolleston and others objected to the Bill. Taiaroa asked: "What is the good of allowing people to vote having no qualification beyond simply living in New Zealand in a house for twelve months? Why if such votes were to be lawful should not Maoris have them?" He read a clause in the Constitution Act which prevented infliction of disabilities or restrictions on natives. Parata said: "Who are they who were not born under Her Majesty's (mana) dominion? They are the Maoris. I object to this clause. The part relating to the Maoris will be the vehicle for another Bill to do away with native representation." Mr. Reynolds invited the four Maori members to private consultation, and they conferred with him. Katene declared that no agreement was arrived at, and that the Maori members had not agreed what amendment they ought to propose. But the question ought not to be a ministerial one. It was an emanation from Mr. Reynolds' brain, and he was always endeavouring to abolish the Maori members. Takamoana said little, but said it strongly. Let the portion of the Bill concerning Maoris be withdrawn. Mr. Reynolds in reply admitted that he could not blame the Maori members. "I am not at all astonished that they should be suspicious of me; for no doubt they have been reminded that I have stood alone on the floor of this House and objected to any Maori being admitted except under the usual franchise." By 35 votes against 27 (including pairs) the Bill was thrown out; but the names on each side showed that the vote was not a party one. Mr. Wakefield subsequently carried a Lodgers' Franchise Bill in the Lower House, and it passed easily through

the Council, where Mr. Waterhouse remarked that it might have the effect of averting the misfortune of universal suffrage.

A Bill to raise the number of the Representatives to 84, exclusive of the Maori members, was introduced and carried through both Houses in the end of the session. An Act was passed (Immigration and Public Works Appropriation) which restricted the powers which the Ministry, through Mr. Vogel, had been accustomed to exercise over the expenditure of borrowed money. Received gladly in both Houses, the Bill was termed in the prorogation speech "a valuable administrative improvement." It was hoped that no million and a half sterling, such as Sir Julius Vogel complained that he had to expend "to purchase support from the provinces," could be again irregularly applied. On the 21st October, the session, memorable for all dwellers in New Zealand, came to an end, and the agitation within was exchanged for that without the halls of legislation. Sir Julius Vogel did not return to New Zealand while the Assembly was sitting. His correspondence on the loan was produced in it. There was, as usual, bitter animadversion on Dr. Featherston by Sir Julius Vogel, who could not forgive the fact that the Crown agents, Sir P. G. Julyan and Mr. Sargeant, agreed with Dr. Featherston. He endeavoured to weaken the position of his three colleagues by denying the accuracy of their statements, though aware (he wrote) "that you have the advantage of numbers." Those who knew Dr. Featherston knew also that the advantage was not confined to numbers. The co-agents had sent him (he being too ill to attend a meeting) a draft letter bearing their three names, subject to alteration after consulting with him. As Dr. Featherston had not affixed his signature to the original, though agreeing to its contents, the Treasurer declared that such an act was fraught with "disastrous consequences to political and commercial morality," and he hinted that the powers of the Agent-General must be curtailed. The insolence of his tone was not allowed to provoke the co-agents to unseemly retort, and appears not to have shocked the moral sense of his ministerial colleagues or of the colony on which he had fastened himself. Though pleading ill-health and the necessity to have recourse to mineral waters on the continent, where other than stores of health are

dissipated, he was restless and interfering. He kept up an angry correspondence about immigration with Dr. Featherston,—communicated to him a telegram from New Zealand to the effect that one of Dr. Featherston's despatches was "intolerably disrespectful," and would not be recorded; and rudely set aside Dr. Featherston's disclaimer that there was no intention to be disrespectful. Simultaneously with making personal charges, the Treasurer, as if bent on extruding the obnoxious agent, dictated elaborate changes in the agent's department, and except that to have resigned would have gratified his coarse assailant, the reader would wonder that Dr. Featherston abstained from resigning. With sad dignity he defended himself by admitting that he had been compelled to write much that he would have wished unwritten, as, during the year—"there are not many charges that could be brought against the character of a public officer respecting which I have not had occasion to defend myself in replies to your despatches. . . . It was my duty to my own character, it was my duty to the colony in whose service I have spent many and not useless or unhonoured years, not to leave such charges unanswered." Frequently called upon in times of difficulty to serve the colony, he had ever received ungrudging acknowledgment of his services, and conscious of his rectitude he did not lose confidence that, notwithstanding temporary misconception, the labours of his department would yet be appreciated by the people of New Zealand. The abject followers of the *novus homo* of New Zealand could hardly read such a paper without compunctions of conscience, but they did not free themselves from his yoke. Several measures were introduced so late in the session that it might be suspected that the Government had no desire to pass them.

On the 18th October, Major Atkinson asked leave to introduce the Bill for payment of members, which had been resolved on by the House in 1874. The Parliament was to be prorogued on the 21st. Members declined to consider the Bill. The position of members was found equivocal with regard to a Disqualification Act of 1870. Passed in a spasm of virtue, its provisions were found too cramping. One member complained that because in his capacity as Superintendent of Nelson he had



been the nominal recipient of two small sums of money, his name was included in a return. In other cases land purchased from members by the Government to facilitate negotiations with the Maoris was found to endanger seats. In both Houses there was a desire to remove doubts or consequences, and a Bill to amend the Act, "and to indemnify certain members of the Legislative Council and House of Representatives from disabilities and penalties they may have incurred under that Act," was rapidly passed. The Assembly had not been prorogued many weeks when Sir George Grey, at Auckland and elsewhere addressed applauding audiences. If he had violent enemies he had warm friends, and the latter abounded in the moribund province of which he was Superintendent. The former denounced his eloquence as seductive but full of wild and dangerous theories. The Ministry had placed glowing accounts of progress before the Assembly. Borrowed millions had swollen the veins of traffic and puffed the hearts of the traffickers. The male white population was 213,294. The miles of railways open at the close of the year were 542. The ordinary revenue exceeded £2,000,000. Nearly 40,000 immigrants had arrived in 1874. About 30,000 arrived in 1875. The export of wool had steadily increased, and was valued at £3,398,000. The other exports were nearly £2,000,000 more, of which £1,500,000 was gold dug from the earth. The skeleton in the House was a debt exceeding £17,000,000 sterling. It could be veiled from view for a time. Material prosperity, not the happiness which springs from virtuous habits, is the idol of many political economists; and in their eyes New Zealand was the cynosure of colonies. She had outstripped them all in her debt. Amidst the turmoil of the time, the shrieking of engines, the throb of electric wires, the din of Parliament—was heard in 1875 a plaintive cry from the early settlers who had arrived in New Zealand "prior to 1st January, 1848." Naval and military settlers and volunteers had received grants of land. The pioneers would do the same. Governor Hobson had been hostile and interfered with their freedom in buying land from the untutored savages whom Colonel Wakefield despised. No special grant was applied for in the petition, but a witness thought that sixty acres would be a reasonable grant to each pioneer. The Committee on

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Petitions sympathized with their hardships, but could make no recommendations in their favour.

The class which cares least for Pilgrim Fathers is that which immediately succeeds them. It tramples on their records with a wantonness which after-generations labour ceaselessly to undo. The iconoclasm of Niebuhr would have been out of place if the early Roman annals had been complete; and the life and actions of Homer seem to have been as little cared for by his contemporaries as were those of Shakspeare by the bulk of Englishmen. If Shakspeare's partners had not printed his works soon after his death; if Milton's immortal praise had not hymned him while yet the sounds of his voice lingered in the ears of his lovers; if Ben Jonson and a few others had not redeemed the nation from crassness, and vouched for their knowledge of the man and of his works, there might, even though printing had then been invented, be a lack of evidence to resist the ridiculous contention that although Shakspeare lived he did not write Shakspeare's plays. It was not likely that the pioneers would find favour if their claims had been reasonable; and it could not be denied that their opportunities as firstcomers had, like their difficulties, been great. Many of them were still eminent amongst the successful. For the others new men cared nothing.

Ninety-nine public, and a few private, Acts bore witness to the labours of the session. Many of the public Acts related to works and loans in the provinces. The Governor sent a special report upon the Act to abolish the provinces. When its provisions were analyzed an impartial observer might well think that the opposition to it had been based, if not upon distrust of its propounders, upon the subtle influences of sentiment. It enacted (§ 11) that contracts, &c. with Provincial Superintendents could be enforced against the Crown; guaranteed compensation (12) to displaced provincial officers; appropriated certain fees, &c. (14) to Local Boards and Municipalities; appropriated (15) certain gold-fields' revenues locally (declaring them to be no longer land revenue!); charged the land fund (16 to 19) with all provincial encumbrances of principal and interest, surveys and annual payments to local governing bodies; and imposed on the Consolidated Fund the

costs of police, gaols, harbours, and many charitable institutions. The provincial spirit breathed in the Act which slew the provincial bodies. It might safely be predicted that either the spirit would be exorcised in the future, or that the Central Government would lose credit and usefulness. The land fund would be the bone of contention.

In the end of 1875 the Governor dissolved the House, and the new elections were held immediately. In Otago and in Auckland some members who had voted for abolition were rejected; but in other parts of the colony the result was favourable to the Ministry. Sir Julius Vogel's return to the colony induced Dr. Pollen to resign the post of Premier, which the former reassumed. Before doing so he arranged with Dr. Pollen, the outgoing Premier, that a sum exceeding £4000 should be specially allowed to meet the expenses of his recent mission to England. He wrote: "I do not pretend to have been economical." About a third of the sum had been agreed upon when the mission was undertaken, but neither Dr. Pollen nor other Ministers seemed to think it necessary to respect the agreement. Sir Donald McLean retained the office which had become his indefeasible right. Mr. George McLean became Commissioner of Customs, in room of Mr. Reynolds, who retired for private reasons. To facilitate the formation of an Executive Council when the Governor visited Auckland, Mr. Swainson, who resided there, was retained as an Executive Councillor. His high character, his long acquaintance with New Zealand, and his services as Attorney-General in former times, rendered the compliment such as none would object to; but it was understood that he would have declined to accept it if political sympathies or services had been included in the acceptance. A succeeding Ministry continued the arrangement. The new Vogel Ministry was formed on the 15th February, 1876; and in March the Premier deputed three Commissioners to visit the provinces and prepare the way for carrying on the public service after the consummation of abolition. From Canterbury they reported that Mr. Rolleston, the Superintendent, courteously facilitated their labours. Mr. Macandrew, at Otago, wrote that he regretted that he could give them no aid. He denied the propriety of the assumption that the

General Assembly would necessarily approve the Abolition Act. The Otago elections had been adverse to it; and he refused to suppose that in spite of the wishes of the people the Assembly would wantonly destroy their cherished institutions. A long correspondence ensued between Sir Julius Vogel and Mr. Macandrew. Each argued that his opponent did not understand what the Abolition Act would effect. Sir Julius Vogel said: "The people will possess much more local control than hitherto, and the absorption of their revenue is mythical." Mr. Macandrew replied: "To my mind the man must be blind who does not realize in the whole action of centralism in New Zealand during the past 25 years, '*one purse for the colony*'—a consummation totally irreconcilable with your conviction that the land fund and public reserves of the respective provinces will be localized." Sir George Grey at Auckland acted like Mr. Macandrew at Otago, and the Commissioners could obtain no more than a list of officials and statements of expenditure and liabilities, in Auckland and Otago. All the other Superintendents gave the information asked for. The Commissioners reported the results on the 7th June, 1876, a few days before the General Assembly met for business. New Zealand had early in the year been connected by telegraph with Europe. Congratulations were exchanged in February with England and with the Australian colonies. Sir Julius Vogel had taken a prominent part in promoting telegraphic communication as well as in managing the postal arrangements by the Suez and by the San Francisco routes. The net cost to the colony of the latter was £28,000; of the former, less than £8000.

The deference shown to Sir Julius Vogel was illustrated by postponing until his return the consideration of a circular despatch on the subject of island annexation. The horrors of abduction and brutality practised by white scoundrels in the Pacific, the retaliation by islanders who slew their best friend in revenge, the intercession of the colonies, and a sentiment of honour, had induced England to annex the Fiji Islands with the declared consent of the ruling chiefs. In 1874, Earl Carnarvon had inquired whether the Australasian colonies would join in contributing a small sum (in no case exceeding £4000)



to maintain the Fiji civil establishment whose creation they had urged.

The colonies did not agree. New South Wales was ready to share the burden with England. Queensland shrunk from all responsibility, although the "labour traffic" amongst the islands had contributed to her needs; New Zealand would not assist unless with a voice in administration. Victoria asked for more information, and suggested that no colony should be permitted to acquire privileges in Fiji from which any other "should be shut out." The burden remained with England. In July, 1875, Earl Carnarvon asked whether any principle could be adopted by which colonies advocating annexation might in future meet a proportion of its cost. Pressure at the time was brought upon the Colonial Office to colonize a part of New Guinea. It was not until April, 1876, that the Marquis of Normanby was enabled, by Sir Julius Vogel's return, to reply to the circular, and the reply was more argumentative than precise. The Marquis himself was of opinion that, in future, England, if urged by a colony to annex islands, should arrange with the applying colony as to the terms of contribution to maintain the Government to be established. Long before the New Zealand reply reached England the Earl of Carnarvon had decided not to take possession of New Guinea and many other islands of which the New South Wales Government had urged the annexation.

Among other objects to which Sir Julius Vogel devoted his energies in England was the inscription of colonial stock by the Bank of England. Mr. Westgarth, a colonist of Victoria, who had returned to London, had for some time striven unsuccessfully to obtain the registration of colonial securities and to make them passable or not passable to the bearer. The New Zealand negotiator was more fortunate. The Bank of England agreed to inscribe New Zealand stock. The Colonial Office undertook to consider the propriety of introducing a Bill to facilitate such transactions for the Australasian Colonies, by defining the stamp duties payable, and fixing the rates at which they might be compounded. Sir Julius Vogel left to Dr. Featherston and other colonial agents the task of promoting the passing of the Bill. It was not concluded when in June, 1876, resignation speedily

grumbling words; they have no force. They are deceitful and delusive: (Kahore e pono) they are not true. Mr. Fenton refers to that vessel, the 'Alabama.' Is the same course to be taken with the Middle Island as with that vessel? What was done about her? Did not England pay on her account to the American Government because she was built on English soil?"

Taiaroa had also a grievance about the Maori reserve at Dunedin, concerning which the facts have already been narrated. It may be remembered that the remedy offered to the disinherited natives was an action at law. The land increased in value, and in 1872 Mr. Macandrew, still Superintendent of Otago, at the suggestion of Vogel, while denying the validity of the Maori claims, paid £5000 to the Maoris. He desired to prevent money from being "thrown away in litigation" by them. There were at the time large arrears (£6000) of rent. In 1874, first to Sir Donald McLean and then to Sir Julius Vogel, Taiaroa applied for the arrears with four per cent. interest, and was grieved at receiving no answer. In 1875, Mr. Mantell supported the application as one which "was too clear to need any advocacy" from him; but Sir Donald McLean was unyielding. Taiaroa asked in 1876 whether McLean would put a sum on the estimates to restore to the Maoris the rents "due before the issue of the Crown grant." McLean postponed his reply until he could consult his colleagues. Again questioned, he told the chief that he would not recommend any payment "inasmuch as it was understood that the claim was settled or compromised by the payment" in 1872. It was not to be wondered at that Taiaroa afterwards complained of the "deceitful and unfulfilled words of the false-speaking race, the Europeans (kupu tinihanga waniwani a te iwi korero teka a te Pakeha)." He persevered nevertheless, and his efforts were crowned with partial success in 1877.

The session of 1876 was distinguished by an attempt, sanctioned by the Government, to exclude Karaitiana Takamoana from the House, where he was a thorn in the side of Sir Donald McLean. A Maori election case deserves to be told. Karaitiana had often and boldly denounced Donald McLean's methods of procuring land. With uncontrolled command of funds, McLean, by gifts and persuasions, had brought many chiefs

to consent to transactions which other more jealous Maoris disapproved. Karaitiana declared that the Government were acting in violation of the law. When the election for the Eastern Maori province was held in January, 1876, three other chiefs were nominated against him. He obtained the show of hands at Napier, and at the poll received 401 votes. His opponents received 376, 373, and 145 respectively. At one polling-place, Kawa-kawa, no votes were taken, floods having prevented the returning officer from arriving at his post. A Maori was persuaded to petition against Karaitiana's election. The returning officer made a special return of the facts, but did not return that Karaitiana was elected. On the 16th June it was ordered that on the 27th the House should consider the appointment of a Committee to try the petition. It was hoped that a combination of the votes adverse to Karaitiana might exclude him if a new election should be ordered. Meantime, as votes were of importance, it was determined to keep him out of the House. A severe debate about the sale of the Piako swamp to some ministerial supporters had already intervened, and the Government had been placed in a minority in opposing the suspension of the Standing Orders in order to admit of discussion. The indisposition of the Maori petitioner having debarred his attendance, Sir Donald McLean moved the dismissal of the petition. A member pointed out that, if the petition were dismissed and no fresh writ could be issued, the Eastern Maori district would be unrepresented. Major Atkinson revealed that the Government weapon had two edges. On dismissal of the petition a new writ might be issued, and thus he presumed the House would "comply with the object of the petitioner." Mr. Rees declared that the petitioner was not the only person to be thought of. If the return was informal the House had power to make it formal and seat the candidate who had received most votes. Taiaroa said that, pending inquiry, Karaitiana ought to take his seat. The fault was with "the Government officers, who perhaps were vexed at what Karaitiana had said in the House." Mr. Reader Wood thought the opinion of the House might be influenced by Taiaroa's remarks. He suggested inquiry by a Committee. Mr. Macandrew moved the adjournment of the debate. Sir J. Vogel, hazarding an assertion that the Government "had no



feeling in the matter," desired an adjournment to enable them to consider so "novel" a case. As two of his colleagues had proposed measures for dealing with it, the assertion carried little weight. On the 30th June, on the motion of Mr. Macandrew, a Select Committee was appointed. Mr. Curtis, member for Nelson City, was appointed Chairman in the Committee, and a proposition that, pending a decision, Karaitiana should take his seat, was rejected. On the 4th July, without having heard any evidence, Sir Donald McLean carried in the Committee a motion that as no member had been returned a fresh writ should be issued. An interim report to that effect was made to the House on the same day, and Sir Julius Vogel promptly moved that the Governor be requested to issue a writ. Mr. Swanson asked for the evidence taken by the Committee. Mr. Tole expressed his unqualified dissent from its report. Sir Donald McLean vied with Sir Julius Vogel in asserting the indifference of the Government. The speediest way to confer their electoral rights on the Maoris was to issue a new writ. Mr. Bunny retorted that the speediest way would be to direct Karaitiana to take his seat. Sir George Grey declared that there was an opinion abroad amongst Maoris that the Government intended to prevent Karaitiana from doing so. The Western Maori member, Nahe, though he would have preferred a different Representative, thought it but fair that Karaitiana should at once take his seat.<sup>1</sup> After much debate Mr. Stout (Dunedin City) moved that the interim report be referred back to the Committee with instructions to report within a week whether any persons were prevented from voting, and whether if so the result of the election had been thereby altered. Sir Julius Vogel fearing defeat withdrew his motion. Mr. Rowe (Thames) moved

<sup>1</sup> Two years afterwards, Mr. Ormond, while endeavouring to deprive the Maoris of votes based upon land, unguardedly threw light upon the subject. The Government hoped to reverse the first verdict of the electors with regard to Karaitiana. "The truth was" (Ormond said, 26th September, 1878) "that it was in consequence of the carelessness of that very returning officer (who looked upon himself as the Government returning officer) that the candidate, who was a supporter of the Government, was not returned." How often a simulated story is refuted in after years when the removal of former difficulty loosens tongues, and memory cannot recall former sinuosities!

that words be added authorizing Karaitiana to take his seat in the mean time., On this the Government tempted a division and were victorious by 43 votes against 32. All the native members were in the minority. Mr. Stout's motion was carried. On the 6th July, the Committee resolved to hear, and on the 7th, 11th, 20th, and 26th heard, evidence. The tribal influences prevailing were shown in the returns produced. At Napier, Karaitiana, the Ngatikahungunu chief, polled 127 votes. His three opponents polled none. At Opotiki, Karaitiana polled one vote. One Arawa chief polled 64 there, another Arawa 105, and the Ngatiporou candidate 5. It was alleged that at the place where no poll was held the Ngatiporou, though lowest on the general returns, would have received enough votes to place him at the head. Contradictory evidence was received. Henare Tomoana, the first foiler of Te Kooti, handed in a list of 80 who had intended to vote for his kinsman, Karaitiana, but were prevented. On the 27th, Mr. Tole moved that Karaitiana had been duly elected and should be allowed to take his seat. Mr. Stafford moved that an additional poll should be taken at Kawa-kawa and the votes be added to those already returned. Mr. Stafford's amendment (the third artifice resorted to, to exclude Karaitiana) was rejected. Mr. Tole's proposition was carried, together with a paragraph (Mr. D. Reid) that though the evidence was conflicting the Committee were of opinion that the result would not have been altered if a poll had been taken at Kawa-kawa. Sir Julius Vogel, making a merit of necessity, announced that the Government would not oppose the conclusions arrived at by the Committee. On the motion of the Chairman of the Select Committee the return was ordered to be amended, and on the 8th August Karaitiana took his seat, well understanding the efforts which had been made to exclude him. After such a campaign in the House and in the Committee, Sir Donald McLean could hardly wonder at Karaitiana's opposition. On one occasion in Committee of Supply the chief declared that he had known McLean from his youth, and "did not know that his works had been good." . . . "The reserves made by the natives for themselves at the time he was Commissioner had been purchased by him. While he was Minister, some of these lands were passed through the Court and he

bought them. He had bought large blocks for himself. . . . Through plunder he had gained his present position. . . . It was through deceitful sales that he had got so much land." . . . Karaitiana, distrustful of the Local Government, threatened to go to England to appeal there for the justice which was denied to him in the land of his forefathers. Meanwhile he supported Sir George Grey, the accredited leader of the Opposition, which conducted its campaign in 1876 with a vigour, if not acrimony, sufficient to satisfy the thirst of the most ardent foes.

War in New Zealand was transferred from camp to Council. The Governor's opening speech invited the Parliament, in consequence of the abolition of the provinces, to give to towns and country districts a larger share of self-government than they had previously enjoyed. Counties were to be established, with "powers and revenues of an independent character, but with liberty to adopt concerted action with boroughs and road districts." A Land Bill was promised. Before the Government could proceed to business, an act, done by them before the meeting of the Houses, stopped their way. It will be remembered that a Bill, under which Mr. Whitaker would have been enabled to make good a defective title at the Piako swamp, was lost in the Legislative Council in 1875. Mr. Whitaker was a power in the House. He had been frequently a Minister. It was convenient to strengthen his friendship. Before the Parliament met, the Government ventured upon a bold step. They published an Order in Council, making regulations for sale of the land at the Piako swamp to Messrs. Russell, Whitaker, and their associates. Before business was entered upon, Sir George Grey, by a division of 37 to 28, obtained the suspension of the Standing Orders in order to move that the hand of the Government be stayed until the House could discuss the Order in Council. When the motion to stay procedure was submitted, Sir J. Vogel used various persuasions. If beaten the Government would resign. The Government would assure the House that "within a reasonable time nothing would be done" in the matter. The Crown grant would not be ready for a fortnight. There would be no harm if the resolution should not be carried. There was debate. Sir G. Grey was willing to withdraw the motion on the assurance given by Sir J. Vogel, but some of the



Opposition had left the House. Leave to withdraw was refused. With the aid of one who went over to them the Government secured 29 supporters against a like number of opponents. Mr. Fitzherbert voted with the Noes, "that an opportunity might be given for further discussion." (He had been elected Speaker on the motion of Sir J. Vogel, seconded by Sir G. Grey. Mr. O'Rorke was similarly made Chairman of Committees. Mr. Fitzherbert's elevation to the chair was the removal of a dangerous antagonist to the Ministry). Subsequent discussions revealed the fact that Sir J. Vogel had more than one discussion on the subject with Mr. Russell when the Piako swamp was applied for in 1873, but Sir J. Vogel declared that to assert that he would favour Mr. Russell or others was beneath contempt. Yet favour had been shown in more ways than one. The Piako swamp was open for selection between 1866 and 1871, at which latter date, under fresh regulations, it ceased to be eligible. Nevertheless, in 1873, the selection at 5s. an acre was unlawfully permitted, with an arrangement that the Government should contribute at the rate of 2s. 6d. per acre towards the cost of making a road. Even these terms were designated by Mr. Russell as "too hard"; and Sir Donald McLean, "considering the heavy outlay" to which the purchasers would be subjected "in roads and drains," agreed "to accept the payment of 2s. 6d. per acre within two years." Nor were these all the favours conferred. The block was about 82,000 acres. There was an adjacent block (Tawera) of 5370 acres of good land, and it was added to the Piako block without allowing the public to compete for it,—the Government negotiating for its purchase with resident natives, so as to enable Mr. Russell and his friends to receive it. Mr. Rees told the House that the Tawera block was itself worth all the money paid for the 87,370 acres. Such were the facts which furnished debates extending through many days. There could be no doubt about the nature of the transaction. But the time was unpropitious for doing justice. The abolition of the provinces seemed to demand that the same Ministry which abolished them should complete the subsidiary arrangements; and at a meeting of Government supporters, Sir J. Vogel plainly coupled continuance of the Government with support of the Piako transaction. The members

submitted. On the 22nd June, he moved: "That this House will not interfere to prevent the issue in the ordinary course of the Crown grant for the Piako swamp." After acrimonious debates the transaction was sanctioned by a majority of 51 against 19. It was not until the Ministry was thus assured, that an Address, in reply to the Governor's opening speech, was proposed. It was unopposed. In the Council, in debate on the Address, Sir Julius Vogel's former colleague, Mr. Waterhouse, excited attention by quoting a speech in which Major Atkinson urged electors, if they desired to "secure their interests, to elect Mr. Bryce and Sir Julius Vogel unopposed." Another man wrote to them: "I have no hesitation in saying that a vote of at least £100,000 might be obtained next session for harbour works for Wanganui by the election of Sir Julius Vogel for this district, &c." "If that is not an attempt at bribery and corruption, I do not know what is," said Mr. Waterhouse. The Piako swamp difficulty engrossed Vogel's attention at the time; but when it was surmounted it was deemed that even his reputation required justification. He called Mr. Waterhouse's attack "coarse and disgraceful." He insinuated that the letter about the £100,000 was published to damage his election. He did not deny that Major Atkinson had expressed a hope that his colleague would be returned unopposed; but the Major was pure and the constituents were pure. Attacks upon them were malicious. Major Atkinson virtuously declared that he knew the constituency too well to make such an offer as Mr. Waterhouse had "dared to insinuate." Others in New Zealand, also, knew the Ministry too well to be in doubt.

Early in July, Vogel's financial statement was made. The gross public debt was stated to be £19,543,194. The annual charge exceeded £1,000,000 sterling. The general revenue was about £1,703,000; land revenue, £750,000; gold revenue, £85,000. To supplant the provinces, and distribute monies locally, districts to be called counties were to be created. The Ministry were "still willing to give" to the counties the license fees collected within them; and "the subsidies payable by the legislation of last year, amounting to £2 to £1, we intend to equally divide between the road districts and the counties." There would also be granted from the Consolidated Revenue 5s. for every pound raised by private subscriptions "for charitable"

purposes. To make the grants possible the upset price of land was to be changed. Wherever it was less than £2 an acre it would be raised. The Government were about, by "a revolution in the system of native land purchasing," to crown the edifice of New Zealand greatness. The formal resolution moved was to sanction the demand of increased price at all future sales of land, but the amount of increase was not defined. As might be expected, the finger of the Government was dreaded. At Canterbury and Otago the provinces had always striven to conform to Wakefield's idea of a sufficient price. At Canterbury it was £2 an acre. At Otago it varied according to classification, reaching sometimes £2 5s. an acre. At Auckland first-class land was 15s. an acre; second class, 10s.; third class, 5s.;—and there were few buyers. Sir George Grey exposed the fact that, while devising a scheme to raise the upset price, the Government had effected, in violation of the law, a sale of the Piako swamp at half-a-crown an acre. Mr. Whitaker blandly assured the House that he, as a purchaser, had no idea of the intentions of the Government with regard to price. The Treasurer thought Sir George Grey's "statement absurd"; and the House, having already sanctioned the Piako transaction, was not in a position to do right without self-condemnation. Sir George Grey was certain that "posterity would stamp with reprobation" the action of the Ministry. Eventually, after several divisions in Committee, the Government carried their resolution, qualified by a limitation that the upset price should nowhere exceed £2 an acre, and a proviso that it should "not affect land leased or sold on deferred payment."

The Government was pursuing its unchecked course with several ancillary Bills, when, on the 13th July, a telegram announced the death of Dr. Featherston, the Agent-General, in London. Both Houses adjourned, to mark their sense of the loss sustained. Vogel himself was impressed with it, and eulogized the dead. Feeling it necessary to allude to his insulting letters to Dr. Featherston, he said they were "owing to the necessities of democratic institutions." Sir George Grey significantly said that Dr. Featherston always afforded "an example of highmindedness," and sought no advantages for himself at the expense of the country. Mr. Fitzherbert in



Committee said: "I have lost a friend, and the colony has lost a great man. . . . His glory is that he died poor. . . . He had 'abundant opportunities' to enrich himself." There were some who coveted the opportunities rather than the highmindedness which rejected them. There were others who suspected the covetous. Mr. Murray (member for Bruce) asked (21st July) whether the Government would consult the House before appointing an Agent-General. Mr. Vogel said that "the Cabinet had not discussed the subject." Not content with an answer at variance with public conviction, Mr. Murray moved, 27th July, that an opportunity should be afforded to the House of "considering any appointment which the Government may purpose making of Agent-General." Vogel gave an assurance "that the Government would take the House into their confidence as soon as they had any confidence to give," and Mr. Murray withdrew his motion. At a later date Mr. Rees asked pointedly whether Vogel had been appointed, and the suspected appointee gave a similar reply; inconsistently adding that it was "impossible for the Government to consider the making of such an appointment whilst there were resolutions under consideration which in effect challenged the position of the Government." One of the resolutions was moved by Mr. Whitaker, a beneficiary in the Piako swamp transaction. On the 1st August, he moved that the law by which the land fund was made provincial revenue ought to be revised. "All assets and liabilities of the several provinces should be assets and liabilities of the colony." He was answered by Sir Julius Vogel, who successfully harped upon the string that the abolition of provinces to which the House was committed would be endangered by Mr. Whitaker's proposals. He remarked incidentally that the justice of Gibbon Wakefield's reasoning about the sufficient price for land had been proved in Canterbury, which, by adhering to it through evil report and good report, had "received in consequence a noble land revenue." Sir George Grey intimated his intention to move certain "separation" resolutions, and Mr. Whitaker, with whom Sir G. Grey voted, was defeated by 54 votes against 21. On the 3rd August, Sir G. Grey moved that the state of the colony required revision of its financial and constitutional arrangements,—that "the unity of the colony should be maintained,—and that

there should be two Local Governments, one for each island." Auckland was to be the seat of the Local Government of the North Island; Christchurch of the South; and Wellington was to remain the seat of the Colonial Government. Such propositions had been discussed and rejected in former Assemblies, and Sir Julius Vogel, strong in the constitution of the new House, urged it to act like its predecessors. Adjourned debates lasted until 16th August. Mr. Rees signalized his capacity for lengthened speech, and bitterly assailed Sir Donald McLean's land purchases at Hawke's Bay and the "bribery of the natives right and left;" and "yet this honourable gentleman is used as a powerful agent in order to keep the spending of public money and the giving of public gifts in the hands of the Ministry so that they may remain in power." Sir Julius Vogel in England had without authority drawn £3000 for private purposes in England. If a miserable clerk should thus unlawfully appropriate £20 he "would be placed in the public dock;" and a New Zealander, taunted with the position of Sir Julius Vogel, must "hang down his head with shame. . . . It is at this time the duty of every man to speak out, and to speak out plainly." Mr. Wason (member for Coleridge), as a South Island member, advocated the resolutions on the ground that it was by the votes of the South that the North Island was forced into the Waitara war in 1860. He quoted a letter written by Mr. Fitzgerald in 1864, categorically stating that Mr. Stafford and his colleagues obtained the approval of that war by "a majority of the Southern members." Mr. J. W. Thomson (from the South) vigorously supported the resolutions, and denounced the conduct of the Premier. Mr. Hislop taunted the Government for leaving unanswered the arguments of the Opposition. He insinuated that Mr. Stafford, who had strangely thrown his ægis over the Ministry, now "commanded silence;" and he reminded the House that in 1872 Mr. Stafford denounced the reckless policy of Vogel, which must finally subject him to public indignation, and which would leave no hope for the future but by reducing the public credit so low that another sixpence could not be borrowed. Even from supporters Sir Julius Vogel received contemptuous assistance. Mr. Woolcock reminded the House that Sir J. Vogel had in 1874 declared "that £1,500,000 had

been diverted from its original purposes through the log-rolling pressure of provincialism. On that point I blame the present occupants of the ministerial benches, and I say to them now that it would have been far more dignified, and would have been far better for their own good name, if they had adhered more firmly to their policy and less closely to their seats on the benches." Mr. Whitaker, no partisan of Sir G. Grey, elaborately supported the resolutions, and one of the Ministers as elaborately replied to him, defending the Ministry for not replying to Mr. Rees. Mr. Reader Wood exhaustively criticized the Minister who had at last entered the lists; and Mr. Stafford was forced to join the fray. Mr. Stout sarcastically showed that in 1870 Mr. Vogel lauded the Public Works and Immigration Acts because they tended to constitute "one province within each island."<sup>1</sup> "The greatest torture you could give him now would be to compel him to read his speeches in the past." But victory remained at last with the tortured. It was while the case was undecided that Sir J. Vogel told Mr. Rees that the Government could not consider the appointment of an Agent-General. When Takamoana supported the resolutions, Mr. Tole, who had urged that the chief should take his seat in the House pending an election inquiry, pointed triumphantly to the demeanour of the "gentleman whom it was sought by every possible means—by summary jurisdiction I may say—to oust from the seat in this House to which he was so justly entitled." There was a singular confusion of names if not of parties. Mr. Donald Reid, a colleague of Mr. Stafford in the brief Ministry of 1872 which Mr. Vogel's machinations destroyed, arraigned his old chief, now linked with his destroyer. The future historian would wonder at the folly with which the progress made by New Zealand before 1876 was set at nought, and the institutions which had led to it were discarded by a people that had waxed fat and kicked. Mr. Moorhouse warned the House that to disturb the Ministry might sacrifice the services of Donald McLean, which might be needed

<sup>1</sup> Mr. Hamlin quoted Mr. Vogel's words in the House in 1865 to the same effect. "He had been an advocate of separation for years. He had foreseen that it was a necessity." He would probably have abstained from saying so if he could have foreseen that it would have become a personal necessity for him to denounce separation.



to avert war. Nahe, the western Maori member, pointed out that the Government proposed 39 counties with Local Government. If nine provinces were intolerable what would 39 divisions be? "I think it is right that the other island should be cut off from this, so as to prevent the Middle Island members from voting upon native matters." On the 16th August, Major Atkinson criticized the resolutions from a financial standpoint.

A new member, Mr. Edward Wakefield, won his spurs by a vigorous onslaught upon the Government. His cousin, Mr. E. J. Wakefield, was no longer in the House, but the family was represented by Mr. E. Wakefield, who had been private secretary to Mr. Stafford. Though now arrayed against Mr. Stafford, it was not against him that his shafts were directed. On the contrary, it was to him he attributed the wholesome measure of abolition. He declared that he supported Sir George Grey's resolutions as the complement to abolition. The Native Land Department was the object of his satire. The light of truth was absent from it. Sir Donald McLean was an incubus upon the country. He denied that McLean had secured peace. "We are no further from war than we were when my honourable friend the member for Timaru released the reins of government in 1869. . . . Who was the author of the war in Taranaki in 1860 but Mr. McLean?" (Major Atkinson interjected a contradiction.) "The honourable member says No, but he knows it is the case. I say it is the case." Mr. Wakefield lashed Sir Julius Vogel with equal freedom. He denied that the prosperity of recent years was due to Vogel's policy. It sprung from the "enormous increase in the price of wool and of all colonial products." His popularity was based upon a sham. "Not even those the latchet of whose shoes he is not worthy to loose—not even, Sir, a patriot like Mr. Weld—ever enjoyed half the popular feeling that the honourable gentleman has enjoyed." Only Sir George Grey had received like homage; and he, when thousands flocked to honour him for having "upheld the interests of the colony against the most unscrupulous slanderers that ever attempted to traduce a worthy people," went away with a popularity worth having. It was not prepared by "flatterers and parasites." "I say distinctly, and I am prepared to prove, that the Ministry which has virtually been the Ministry

of the present Premier since 1869, has been the most corrupt Ministry that ever held office in this country." Mr. Wakefield adduced illustrations. Abolition was advocated by Mr. Stafford from the heart; by Sir Julius Vogel "to prolong his tenure of office." It was rightly said (by Mr. Rees) that if a miserable clerk had without authority expended public money on his private purposes he would have been tried and punished. A constituent had asked "whether he would get it brought out what Sir Julius Vogel did with that £6000," and Mr. Wakefield hoped to extract the truth.

The resolutions in favour of reconsideration of financial and constitutional arrangements and of maintaining the unity of the colony were accepted. On the question "That there should be two Local Governments, one for each island, the Government had 47 votes, Sir George Grey had 32. The northern Maori member, Tawiti, and the southern, Taiaroa, supported the Government; the eastern and western Maori members, Takamoana and Nahe, voted with Sir George Grey. Mr. Whitaker, Mr. Reader Wood, Mr. Sheehan, Mr. Stout, Mr. Macandrew, and Mr. Donald Reid were in the minority. Mr. Moorhouse, Mr. Rolleston, Mr. Ormond, Mr. Ballance, and Mr. Stafford swelled the majority. On a subsidiary resolution the Government lost one supporter, Sir R. Douglas, who voted with Sir G. Grey to charge £190,000 of interest and sinking fund to the North Island, and £625,000 to the South. The new House was indisposed to depart from the determination of the previous session. But the Government was weaker in the new than in the old House. The Government had made little progress with its measures. The cardinal question had hardly been touched. Sir Julius Vogel recognized the expediency of feathering his nest elsewhere. On the 29th August, he announced that his colleagues had pressed him to accept the office of Agent-General, and that he had consented to do so for a brief period. At his suggestion Major Atkinson had been called upon to form a new Ministry. There were suspicions as to some secret understanding. That there was foundation for them was exposed in the Assembly in 1878 by Mr. Stout, and was virtually confessed by Major Atkinson. The words spoken in 1878 throw vivid light upon the deeds of 1876, and must be

recorded here if the latter are to be understood. "Was it true," asked Mr. Stout, "that Sir J. Vogel was to cease to be Agent-General, and that he was to get an enormous sum, something like £18,000, for inscribing the stock?" Major Atkinson denied. "The honourable gentleman cannot deny that it was proposed that Sir J. Vogel should get a per centage for inscribing the stock?" "*Major A.*—Hear, hear. As one of the agents. *Mr. Stout.*—Of course that was the agreement. He was to cease to be Agent-General; and a friend of the Government (*Mr. Stafford*) . . . was to be rewarded for his protection of the Government by being put into the position of Agent-General." . . . Atkinson denied that there was any arrangement; but his pertinacious catechist would not be foiled. "I admit," he said, "that there was no bargain, but was it not intended if the Government remained in office that Sir J. Vogel should cease to be Agent-General and that (*Stafford*) the friend and guide of the honourable gentleman was to be appointed in his stead? *Major A.*—If he wished it. *Mr. Stout.*—Exactly. If he wished it. And the honourable gentleman does not call that an arrangement. *Major A.*—An official offer had never been made. *Mr. Stout.*—It was arranged behind the scenes, and that is why we want a Disqualification Bill, because arrangements of this sort do not tend to the purity of Parliament."

These things were studiously concealed when, with the potentiality of place in the eyes of *Stafford*, and commission on inscription of stock looming large in his own, the budding Agent-General of the hour addressed the House in 1876. With much truth and equal affectation of sorrow he affirmed that the land, "which would always remind him of the successes he had won," would be left by him with great regret, but he felt he was pursuing the right course. *Mr. Rolleston* pointed out the false position to which the retiring Minister was subjecting the colony. Replaced as Premier on his return from England, in order to carry out the loan policy which he was selected to guide, and accepted in that position by the country, Vogel, by grasping at a subordinate post, inflicted an unconstitutional wrong upon New Zealand. In both Houses there were many who resented not only the indignity cast upon them, but



the sad necessity of submission. Without damaging the abolition policy to which they were committed, they could not mark their sense of the crowning artifice of him by whom they had been duped. Mr. Waterhouse in the Council declared that just as a crucial period of the loan policy had been reached, and it was imperative to substitute a new form of government for that which had at Sir J. Vogel's instigation been destroyed, Vogel, on a plea of ill-health, was slipping from his responsibilities. The plea of ill-health might be disregarded inasmuch as the office of Agent-General was engrossing and responsible. Moreover, no steps should have been taken to appoint him to that post while his unauthorized drawing of an advance of £4000 from the Agent-General in 1875 was unexplained to Parliament. The mode in which the Ministry was reconstituted worsened the state of affairs. Sir Donald McLean, as Native Minister, only resumed office temporarily. Mr. Edward Richardson, as Public Works Minister, did the same. Mr. Ormond was to assume the office of Minister of Public Works which he had held under Mr. Fox in 1869 and under Mr. Waterhouse in 1872. Mr. Hall, his colleague on both occasions, was to join the Cabinet without a portfolio. The most startling change was the entrance into the Ministry of Mr. Whitaker, who had a few days before divided against the Ministry on Sir George Grey's separation resolutions, and was therefore hostile to the policy which Major Atkinson nevertheless announced that the new Ministry would maintain. Mr. Waterhouse promptly (4th September) showed that under a Disqualifications Act there could legally be only seven Ministers sitting in Parliament, and that Mr. Whitaker (under the Attorney-General's Act, 1866) was incapable, while Attorney-General, of being a Minister or sitting in Parliament. Colonel Whitmore, in the Legislative Council, saw no advantage in the changes except the contemplated retirement of Sir Donald McLean, whose mismanagement and vast unexplained expenditure had been ruinous.

In the Lower House Major Atkinson had no sooner announced the formation of the Ministry than Mr. Andrew, member for Wairarapa, gave notice that the House disapproved of the offer of the post of Agent-General to Sir Julius Vogel. Mr. Andrew had been one of the majority by whom Sir George Grey's

separation resolutions were defeated a few days previously. Sir George Grey elicited from Mr. Whitaker an opinion that an Attorney-General could legally hold Mr. Whitaker's position, but another lawyer spoke differently. In the Council, Mr. Waterhouse (without a division, 4th September) obtained a Select Committee to inquire into the effect of the Disqualification Act upon the Ministry as gazetted. On the 5th September, Mr. Andrew moved his condemnatory motion. He reminded the House of a want of ingenuousness which had compelled the Crown Agents in London to request that "their names might not in future be associated with that of Sir J. Vogel," and he contemptuously added that if the friends of the latter wished to set him up in business in London, it would be better to vote him "£3000 or even £5000, and have done with the matter." Mr. Stout, apprehensive lest the Government should obtain a majority which would commit the House to sanction Vogel's appointment, moved the previous question. The Government equally apprehensive of condemnation accepted an amendment which averted sentence. But they did not escape censure. One member declared that Vogel was running away from exposure of "sham and failure." Mr. Wakefield denounced the appointment as "the most infamous job that ever disgraced the annals of the colony." Mr. Reader Wood reminded the House of the insults cast by Vogel upon the unsullied Featherston—"evidently as it appears to me with the object of driving him to resign his office of Agent-General in order that he might accept that coveted position into which he has schemed himself at last." Major Atkinson justified the appointment. Taiaroa was sorry that Vogel was going away before the public works he boasted of could be completed, and the loans definitely dealt with. He saw no harm in employing Vogel in England if he wanted employment, but he was by no means the only man of knowledge in New Zealand. "I think there are many other people here wiser than he. . . . The Government say he is the only man. Who knows whether he is? The colony has done him much honour. Let him be treated as Mordecai of old; let him be put upon an horse . . . let him be sent away from New Zealand." Mr. Whitaker affected to be ignorant whether Vogel would accept the appointment under the conditions with which

it would be clogged. By a majority of 17 (41 *v.* 24) the previous question was carried. Thus equivocally absolved, Vogel raised his voice no more in the House, though with nice arithmetical sense he paired on a division in which the Government obtained a majority of 16. A Canterbury Pastoral Leasing Bill brought in by a private member afforded the occasion. It proposed that all future leases of waste lands of the Crown should be put up to auction, and in the bitterness of his heart, Vogel said in debate on the second reading (17th August): "During the twelve weeks of this session there has been more foul-mouthed abuse and imputation of personal motives than during the twelve years preceding." . . . "I have felt almost ashamed at times to be a member of this House." The last words were taken down and explained in a sense which limited their application to one or two members. Mr. Barff moved that the explanation was satisfactory; Mr. Stout moved that the House regretted the intemperate language of the Premier. After discussion both motion and amendment were permitted to be withdrawn. Sir J. Vogel re-entered the Chamber, and said the result was "eminently unsatisfactory" to himself. Such was the Bill on which he made his vote effective after his voice was silenced. In proportion to his sense of delicacy must have been his contentment at being absent from the House, when in October the Public Accounts Committee reported that, besides his salary, he had taken on account of his first mission to England more than £3000, and on account of his second mission £6600, without any authority for doing so.

On more than one occasion, and in more than one Australian colony, deliberative institutions have been abused by a resort to the physical force represented by bodily endurance. New Zealand became the scene of such a display after Major Atkinson's junction with Mr. Whitaker. The Disqualification Committee of the Council reported on the 8th September adversely to Mr. Whitaker's contention as to his position, and on the 12th the Council adopted the report. In the Lower House a Committee was appointed on the 7th September to consider whether the Acts on the subject had been infringed by the Ministry. Confronted by inquiry, Mr. Whitaker did not adhere to his first opinion. He introduced an Attorney-General's Bill to save his



position. It was set down for the second reading on the 8th September, but the Government had not circulated it to members, and it was postponed after sharp discussion. On the same night the Government by a large majority carried a Waste Lands Bill, which extended the principle of deferred payments throughout the colony. Sir Julius Vogel resigned on the 11th September, and on that day Major Atkinson moved the suspension of the Standing Orders, in order that he might force through all its stages a Civil List Bill then exhibited for the first time. Mr. Whitaker had on the 4th September invited Mr. Rees and Mr. Stout to test his opinion in the Court of Appeal, and Sir George Grey promptly put the law in motion to test the value of Whitaker's invitation. The Civil List Bill was an ample reply. Sir George Grey assailed the Ministry for departing from their pledge to test the matter in the Courts. The ministerial whip retorted subsequently that Sir George Grey was "a common informer," for endeavouring to act upon the pledge. An Opposition member raised a long debate on going into Committee of Supply. He contended that members accepting office in a Ministry should, as in other countries, go to their constituents; and the Government only secured a majority of 4. On the 12th September, Mr. Whitaker, whose position afforded the main butt for the missiles of the Opposition, elaborately defended his position in moving the second reading of the Civil List Bill. His arguments were technical, and Mr. Stout answered him. The debate was adjourned, and public attention was fastened on the dispute as intently as in former years upon the Maori war. The Ministry being able to change their front with ease under the New Zealand custom, which by grace of the Secretary of State required no confirmation by constituencies, endeavoured to cut the Gordian knot by a resignation of office by all except Major Atkinson, and the resumption of office by the limited number permitted by the law. The Disqualification Committee made an interim report on the 13th September, not obscurely hinting that the ministerial position was unsound, and Major Atkinson promptly announced the fact that the resignations had been tendered. The House adjourned for a few hours, and re-assembled again to hear from the distressed Premier that a further change had been found needful. He also had resigned

and had been re-appointed, and the once-confident Whitaker, abandoning his position as Attorney-General, had become, temporarily, Postmaster.

Before the new state of affairs was discussed, Taiaroa moved the second reading of a Maori Representation Bill. He wished to give five members to the North Island and two to the Middle. The House generally sympathized with him, but some members shrunk from giving more members to the Maoris. Mr. Whitaker and Sir Donald McLean urged that the Bill should only be read a second time, and that the matter should then be left to the care of the Government in the recess. But Taiaroa reminded the House that the existing law would expire in the following year. In 1872, he and Katene had saved the Maoris from electoral extinction by an early visit to Sir George Bowen. "If this matter be put off till next year and a dissolution should occur before the end of the year, what will be the position of the Maori members? I suppose we shall be expected to go betimes in the morning and wake the Governor again." Even the four Maori votes were of consequence, and Taiaroa carried his Bill. To save recurrence to the subject it may be mentioned that in Committee the provision to increase the number of members was rejected by a majority of 15. Sir Donald McLean voted against the increase. In the Council, Captain Fraser, Mr. Hall, and Mr. Holmes remarked, in passing the Bill (27th September), that the Legislature had profited much by the intelligence of the Maori members. Captain Fraser said: "The conduct of the Maoris in the Council would compare very favourably with that of the European members." The European members in the Lower House were meanwhile presenting a strange spectacle to the Southern world. By 37 votes against 15, Mr. Montgomery carried, on the 13th September, the second reading of a Bill to preclude the acceptance of paid offices by members. On Thursday the 14th, Mr. Wason, member for Coleridge, asked leave to move that writs be issued for the electoral districts supposed to be represented by Ministers, whom he looked upon as strangers, but for whom he was willing to pass an Indemnity Bill to exonerate them from consequences of their blunders. The Speaker ruled the motion out of order as the subject adverted to stood on the notice paper. Sir George Grey moved as a

question of privilege that no other business be proceeded with until the Disqualification report had been considered. The Speaker considered the motion in order, and Major Atkinson moved as an amendment, "That the report of the Disqualification Committee be immediately taken into consideration." The Speaker decided that the variance between the motion and amendment, as to time, justified his acceptance of the latter, and the opposing armies seemed about to join issue on "the question of this straw." However, the amendment was accepted without a division, and Sir G. Grey promptly moved that the report of the Disqualification Committee, that the Ministry had infringed the law, be concurred with. Mr. G. McLean bitterly reproached "the great Proconsul" for descending "to act the part of a common informer," but afterwards expressed regret if his words "transgressed the rules of debate." Sir G. Grey was ready, as far as he was concerned, to give "every possible indulgence" to Mr. McLean, who was affected by the report of the Committee. Major Atkinson moved an amendment that a Bill of Indemnity for the Ministry be dealt with forthwith, "as a matter of urgency." In a warm debate words disrespectful to Sir George Grey were taken down, and the Government whip apologized for using them. Accepting his apology, by a division of 35 against 32, the House added its own regret that he had used "intemperate and disorderly language." He thanked the House for "the kindly manner in which it had been pleased to deal with him." Midnight found the members at their places. The words of Major Atkinson's amendment having been substituted for those of the original motion, Mr. Sheehan vainly endeavoured to add other words to limit the indemnity to a pecuniary sense, and to call upon the Disqualification Committee to designate the members of the Ministry who had infringed the law. Mr. Ballance moved other words declaring that under the special circumstances the Ministers' seats were not vacant. At daylight on Friday morning the battle still raged. The Maori members no longer took part in the strife. At six o'clock in the morning Mr. Rees was speaking, when the outworn Speaker left the chair. At 10 a.m. it was taken by the Chairman of Committees, and Mr. Rees pursued his speech. At 1 p.m. the Acting Speaker sought rest for one hour. At 2 p.m. the resilient



Rees pursued his speech. At 5.30 p.m. the usual adjournment took place. At 7.30 p.m. the Speaker re-appeared. Panting reporters toiled after Mr. Rees in vain. From the Hansard office, the chief reporter wrote a note on Saturday evening to the Speaker. It was "physically impossible for his staff to do the work," and the town of Wellington could not furnish sufficient assistance. The entry in Hansard condensed the speech of Mr. Rees in these words: "Mr. Rees continued to address the House." When Mr. Rees, in pity for the silence imposed on other lips, sat down on Friday evening, Mr. Thomson, member for Clutha, "continued to address the House," and was addressing it on Saturday morning when the Speaker sought rest at 6 a.m. Mr. Thomson pursued his speech throughout the day, and at 7.30 was followed by a friend. As the mountain barrier of Greece is said to re-appear in Crete, so now after the rugged resistance of Rees and Thomson, Mr. De Lautour, member for Mount Ida, rose to sight. At 10 p.m. he was still visible when the Speaker announced that at midnight the chair would be vacated until 10 a.m. on Monday. He hoped the House would support his determination. On Monday morning, Mr. De Lautour (in the words of Hansard) "continued to address the House"; and in the forenoon the debate was closed by a division in which Mr. Ballance's amendment to declare "not vacant" seats which were legally vacant, was carried by 38 votes against 24. Mr. Murray, member for Bruce, moved additional words—"although it may tend to create a dangerous and objectionable precedent to sanction any evasion of law by persons high in authority whose example should be that of obedience to the laws which they themselves have made." By 42 votes against 24 Mr. Murray was defeated. By 44 against 25 the Government finally carried their propositions, and Major Atkinson at once introduced an Indemnity Bill, which (by relating to the Attorney-General's Act of 1866) exceeded the authority of the resolution passed with so much difficulty. It also relieved the Ministers from all expenses of the actions instigated by Sir George Grey after Mr. Whitaker invited Mr. Stout to test the question of Disqualification in the Courts of Law. The Bill was passed and was agreed to by the Legislative Council after a few days. When Mr. Whitaker denounced the obstructive conduct

of the Opposition as disgraceful, Mr. Wakefield retorted that every honourable member must recollect the infinitely more disgraceful scene in 1868, when Sir Julius Vogel was scheming to expel the Stafford Ministry, and the House was made "a perfect pandemonium." Favours secret and precious had converted the foes of 1868 into the co-mates of 1876. The public interest in the struggle in the House has demanded an account of it, but the remainder of the session deserves brief mention. Mr. Macandrew failed to carry a motion to enable the people of the province of Otago to determine, through a newly-elected Provincial Legislature, the form of Local Government most suitable for them. The Counties Bill was successfully proceeded with by the Government on the 25th September. Some of the divisions in Committee were not strictly of a party character, but they did not weaken the Government.

Power was given to the Governor in Council to alter the boundaries of counties by proclamation. A scale of voting was fixed, by which persons rated at less than £50 were to have one vote; persons rated at £50 to £100 were to have two votes; those rated at from £100 to £150 were to have three votes; those rated at from £150 to £350 were to have four; and those rated at £350 and upwards were to have five votes. An analogous provision had been in operation in Victoria for many years in boroughs and shires. It did not extend to elections for either House of Parliament, nor was it proposed that it should do so in New Zealand. Strenuous efforts were vainly made, by a minority, including Sir George Grey, to excise the provision from the Bill. He was more successful in altering some of the boundaries of the scores of counties defined in the Bill. The third reading was made a vehicle for opposition to the abolition of provinces, to which the Bill was ancillary; but there was a majority of 21 in its favour. Rates, tolls, fines, and other endowments were secured for the counties, and under a separate Financial Arrangements Act a portion of the land fund in each district was allotted to them. The Legislative Council made many amendments in the Bill. They objected to the borrowing powers conferred; urging that the precedent of the provinces told much against them. More than one free conference was held before mutual concessions secured a final

agreement, and the Bill became law. The same fate attended a Rating Bill. The Financial Arrangements Bill provided for subsidies to County Councils, to Road Boards, and to River Boards; and a member complained that provincialism had been abolished only in name while its evils were kept alive; but with comparatively little opposition in the Lower House, and none in the Upper, the Bill was passed.

It will not have been forgotten that when Mr. Vogel was Treasurer he authoritatively declared that a million and a half sterling devoted to railways had been diverted to provincial purposes, and represented the amount paid by the Ministry to purchase support in the provinces. The evil which he privately pampered and publicly bemoaned was kept in vigour by the measures of his successors. The fourth section of the Financial Arrangements Act having charged the land fund with interest on provincial debts and subsidies to County Councils, Road Boards and River Boards, and various local wants,—and the 13th section having commanded the consolidated fund to issue for five years to every Borough Council a sum equal to its general rate not exceeding one shilling in the pound, and to every County Council and Road Board a “sum equal to the sum payable to such County or Board out of the land fund”—the 15th section kept alive the purchasing power of the Government by enabling the Treasurer to make temporary advances “to meet payments authorized by this or any other Act, *before it is known* to which of the accounts provided by section 4 the same are chargeable.”

It was in vain that the opponents of the abolition scheme averred that the evils of the provincial system, if any, were stereotyped under another name, by the new law, while provincial independence and Local Government were destroyed. A Waste Lands Act (40 Vict., No. 51) defined the territories which were to become land districts throughout the colony, and substituted the word Governor, throughout, for the familiar term of Superintendents of the provinces. Mr. Sheehan denounced it as injurious to Auckland. The Government, to disarm opposition, proposed to postpone the raising of the price of land which had been a portion of their financial scheme. There were clauses which were inserted to procure the assent of



the Canterbury members, through whose assistance the Government had throughout the session neutralized the antagonism of members from Otago and from Auckland. By 36 votes against 20 Major Atkinson was enabled to proceed with the Bill almost at the end of the session. In Committee, a member for Port Chalmers carried, by a majority of 2, an amendment distasteful to the Canterbury members, to the Government, and to Mr. Stafford. Sent to the Legislative Council a few days before the end of the session, the Bill was amended, amid many complaints that more time had not been afforded for its consideration. It became the subject of conference between the Houses, and, after mutual concessions, was passed confessedly as a temporary measure, neither the Government nor the Opposition being satisfied with the alterations made by the Council. It did not abolish the existing differences in the upset price of land in various provinces, and left a legacy of trouble to a future session. The prophet of the age in burning words had denounced the gospel of mammonism which he saw, like a many-handed monster, crawling over Europe, and choking the nobler aspirations which from the truer heart of man teach that the end of Government is "to guide men in the way wherein they should go, towards their true good in this life, the portal of infinite good in the life to come; to guide men in such way, and ourselves in such way, as the Maker of men, whose eye is upon us, will sanction at the great day."<sup>1</sup> That against which he raised his trumpet-voice in the old world was unchallenged in the new. To make well-ordered and to train for infinite happiness the dwellers in New Zealand was not the task to which its law-makers were invited. To make the land clank with the multitudinous noises of labour, to swell its lists of exports and imports, to wrest from it its mineral wealth regardless of the ends to which it was to be applied—this was the highest hope of those to whose guidance the land was committed, and they were mainly enabled to perform it by the aid of the gold-scraping harpies who controlled the elections in the populous south, which first sent Mr. Vogel to the halls of legislation. More money was required, in 1876, to keep the State-chariot in motion, and a new Loan Act was passed to procure it. It was

<sup>1</sup> Carlyle, 'Past and Present.'

at first contemplated to raise £2,000,000, but towards the close of the session the demand was limited to £1,000,000. The public debt at the end of the year exceeded £20,000,000 sterling. Sir George Grey protested against the new loan on the grounds that Auckland "had not received anything like that share of the loans to which it was entitled," and that the Abolition Act had been passed without fair appeal to the constituencies; but, as the House in which he spoke had been elected in the beginning of 1876, members paid little heed to him. In his wrath at the destruction of the provinces, whose cradle he had rocked, and at whose funeral obsequies he was so piteous a mourner, he embittered the enmities existing between himself and others. Nor was he scrupulous in the use of weapons. There is no greater danger to public order in a population injected in a random manner from abroad, rather than rising as a community in their new abode, than the plots of party leaders, who failing to carry a measure, gratify their spleen by seeking to subvert the Constitution. In lands where law has broadened down from precedent to precedent, and where generation after generation has entwined with the love of country veneration for ancestry, the danger has culminated in rapine and disaster. In a colony where eager adventurers carve with strong hand their own way, they are, from the nature of things, prone to procacity and, when thwarted, to turbulence. The responsibility and the sin are the greater in him who incites them, and Sir George Grey, evilly treated as he had been by the Colonial Office, and provoked as he was by the misdoings of the local government, must bear full blame for the steps he took to effect his objects. Only reverence for the principles of English common law preserves the English colonist from the dangers which men from other countries have found sufficient to debar them from founding prosperous communities; and that reverence Sir George Grey did much to impair. If existing institutions would not serve him, he would impeach them. Like angry Juno,<sup>1</sup> he would turn to the ignorant crowd from the Houses which thwarted him. On their passions he might play. The disease of democracy, an ignorant tyranny of numbers, might waft him into power. The base Cleon persuaded the select citizens of Athens, where all

<sup>1</sup> *Flectere si nequeo Superos Acheronta movebo.*

menial work was done by voteless slaves, to decree the destruction of all the citizens of a Greek town, and the sale of their wives and children. What might not an eloquent demagogue hope to do when the main stay of his power resided not in citizens of ancient lineage, but in the *proletarii* of the age, thousands of whom had swarmed to the shores of New Zealand to gather gold, and were endowed by the folly or arts of her politicians with as ample power over her happiness as the wisest and most attached of her sons? On the 21st October, Sir George Grey moved the second reading of a Manhood Suffrage Bill. The existing law, he said, allowed vexatious questions to be raised about a man's qualification. Yet lodgers, and householders of £10 in towns, and £5 in the country, had votes. The Government ventured on no more resistance than was implied by moving the previous question, and Sir George Grey ventured upon the astounding paradox that every man had a right to the vote which by law was denied to him. Mr. Donald Reid was almost the only member who raised his voice to question the principle of the Bill. The previous question shelved it by 28 votes against 21. Five days afterwards another Bill to establish Triennial Parliaments was championed by Sir George Grey. As the original Constitution had been very much his own handiwork, he felt bound to put forward some pleas for its destruction. Triennial Parliaments, unless they produce the same men for the most part, and thus show that a fresh election was not needed, are violent disturbances. They tend also to neutralize the efforts of the patriotic. In the first session of a new Parliament an appreciable proportion of new members has not acquired a fitness for its work. If the third session be also the last their minds are unsettled by the approaching dissolution. There is but one session in which they can hope to be of use. They are driven or led to escape the solemn duty of thought as representatives by accepting the easier task of unreasoning delegates. Thus only can they hope for a renewal of what they call public confidence, but feel in their hearts to be a negation of principle. Sir George Grey averred that "public opinion changed so rapidly in colonial countries" that triennial parliaments would be an improvement. His Bill was shelved by 52 votes against 22. His enemies decried him for the wild opinions which he



advocated with the apparent desire to grasp power; and not in New Zealand alone there were many regrets that a man who had once done good service to the State should strive to destroy the temple in which he was not allowed to act as high priest. To aim at constitutional changes for their own sake is one thing. But for a statesman sworn to obey the Constitution to aim at change in order to wreak his own will is another. It is the act of the discontented gambler, who, having been a loser, breaks up the tables. In this instance the laws had been for the most part framed by the loser. But he had many friends and admirers in New Zealand. His reputation, as to knowledge of Maoris and their language and laws, was superior even to that of Donald McLean, and the "great Maori mystery man" was no longer the accepted oracle that he had been when on each side of the House candidates for office were humble suppliants for his aid in forming Ministries. Sir George Grey was a power in the House with which McLean had no pretensions to cope, and men said that the Native Minister's life was embittered by the attacks made against him. Mr. Sheehan, not by insinuation but in plain words, charged him with encouraging dissipation in order to keep the peace, and arraigned the purchases of land which he had connived at or made. The old man found defenders; but it was evident that his day had departed. Sir George Grey did not improve his own position by entering into controversy with the Marquis of Normanby. Strangely forgetful of his own contests as a Governor, he threw obstacles in the way of the Marquis which should have been repugnant to a noble mind. Once he had wrestled, and not in vain, with the rash injustice of Earl Grey. He had resisted the clamour of Mr. Fox and others for popular institutions, which he foresaw would at that period be wrested to the wreaking of wrongdoing upon the Maoris. Again, when Mr. Fox, wanting the heroic faculty himself, would not recognize the qualities which in the person of Te Oriori rebuked him, Sir George Grey had occasion to feel how critical and galling the position of a Governor could be made, and how right it was that no man should run even the slightest risk of dragging into the arena of public debate the name of any Governor who was himself sensible of the impartial duty of his position. Yet he strove to embroil the Marquis of

Normanby in the political discussions arising out of the abolition of the provinces.

A Taranaki land-claim Bill deserves special mention because it throws light upon the methods by which Vogel and his colleagues carried their measures with the aid of Mr. Stafford. Mr. F. A. Carrington, Superintendent of the Taranaki province, was a member of the House. In August he moved for a Committee upon what he called the Sartoris and Downe claims. Money had been paid for land selected at Taranaki under the supposition that the transactions of the New Zealand Company in 1840 could confer a title. Mr. Carrington, who had been employed at Taranaki, went to England in 1844, and importuned the New Zealand Company on behalf of his clients. He averred in 1876 that it was through his means that a clause in the Imperial Act 10 and 11 Victoria provided that "those lands whenever they were acquired should be the property of the parties who held the land orders." The claims and liabilities of the Company had fallen upon the Government when the Company expired. The unholy greed in some minds for a war to oust the Maori owner may be readily imagined. Would not the vineyard of Naboth, as the Maoris called the Taranaki lands, fall to the scrip-holder when the heir had been slain? A local law (Land Order and Scrip Act, 1856), appeared to Carrington to "deprive the parties of the land originally selected." He interceded, and the Act was amended in 1858. The Waitara rape was in 1860. War and confiscations of land followed. But, according to Mr. Carrington's statement, when the booty had been secured the robbers disagreed about its distribution. In 1866 an Act was passed which he deemed so unjust that he appealed to the Secretary of State. Further steps were taken on the spot, and in 1872, Carrington, having obtained a seat in Parliament, was instrumental in the passing of the "Taranaki New Zealand Company's Land Claims Act, 1872," which authorized the valuation of the land (originally selected) by a Commissioner. Blood-value was to be the reward not of the land-order holders but of the province. The land was valued, and Carrington "got the land-orders. When he produced the land-orders he was told that there was no land." Such was his tale on the 17th August, 1876, while yet the star of Vogel shed baleful light over

the halls of New Zealand legislation; but, according to Sir Julius Vogel's statement, the Government could not consider the question of appointing a successor to the late Agent-General while there were resolutions before the House challenging the position of the Government of which Mr. Carrington figured (in division lists) as a staunch supporter. Mr. Carrington obtained a Committee, and on the 4th October the pliant Stafford brought up a report to the effect that the order-holders could best be satisfied by money awards, or by grants of land in other parts of the Taranaki province, howsoever acquired by the Government.

Major Atkinson, member for Egmont in the Taranaki province, had become Premier on the 1st September. On the 26th October, Atkinson brought down a message from the Governor, with a Bill "to settle certain land claims in the province of Taranaki." The Bill was on the same day read a first time. On the 27th, Major Atkinson moved the second reading. "It was proposed to set apart a block of land . . . and to allow the Waste Lands Board of Taranaki to fix the conditions and the price of the land which the claimants (represented by Carrington, the Provincial Superintendent, and a member of the Parliament) were to take." The Taranaki land fund was "very small," and the Bill, thus suddenly thrust upon the House on the eve of prorogation, proposed to recoup the province from the general revenue one-third of the amount of the award to the claimants in order that "the road passing by this land" might have a certain expenditure "upon it, in order to carry out the settlement of the country." Major Atkinson said little to arouse suspicion. But Mr. Reynolds, a member from the south, objected to the fourth clause of the Bill. "He did not see why the colony should be compelled to spend £6000 when the claim was entirely on the land fund of Taranaki." Mr. Stafford rushed to the rescue. The demand was most moderate. He trusted Mr. Reynolds would not persist in his opposition. But other members scented danger. Mr. Murray said the affair "looked very much like a job, as the Premier came from that province, that this money should be given to it at the expense of the rest of the colony." Nevertheless, by a majority of nearly 3 to 1, Major Atkinson carried the clause, and passed the Bill through all its stages on the same day. On Saturday the 28th,



it reached the Council, and Dr. Pollen moved the second reading immediately after the first. He expressed his personal dissent from the Act of 1872, and the award made under it, but considered that the honour of the colony was committed to the principles in the Bill. Captain Fraser admitted his surprise at the fourth clause, but Mr. Stafford had explained it satisfactorily to him, and he would vote for it. Mr. Waterhouse was not so easily satisfied. He was, on the contrary, alarmed by the fact that he had met Mr. Carrington in a lobby, and that gentleman had "assured him on his honour that it was all right." Mr. Waterhouse was confident, nevertheless, that it was not right that, in a Bill such as was before the Council, there should be a clause foreign to the title of the Bill, and applying the sum of £6000 out of the public works account to the purpose of a road. The Governor could not assent to such a provision in such a Bill. Some members thought that the claimants would be severely treated if they should be made to suffer because the fourth clause was irregular. The Speaker, remarking that the Bill had only at that moment been put into his hands, thought that the tack of an appropriation clause made it necessary for the Council "either to reject the Bill altogether or accept it." Mr. Mantell declared that he would vote against the third reading of the Bill unless the fourth clause should be excised in Committee, and Dr. Pollen (the Colonial Secretary) considered it was competent for the Council to alter any of the clauses. The Bill was read a second time. On Monday the 30th, the Council struck out the fourth clause, and the Bill was read a third time. Mr. Mantell called the attention of the Government to the fact that there was "a very painful rumour afloat," that "some member of the Legislature was to receive fees for the passing of the Bill." On the same day Major Atkinson briefly moved that the Representatives agree to the amendment made by the Council. Sir George Grey opposed the motion in order that "an honourable member who strongly supported the Bill might make a statement." Major Atkinson then explained that the Government "in order to avoid conflict between the Houses" were willing to abandon the fourth clause, and would provide £6000 "out of the unauthorized expenditure," the House being committed to the grant. Members were dis-

satisfied, and Mr. Carrington, being plainly called upon, said he had a double duty. As Superintendent he had to "look after the interests of the Taranaki province; as guardian in the case of Sartoris and Downe he was sworn (in the case of Downe)" to obtain justice for his clients. "He had received nothing from any one since he came to the colony for this particular work." Such an explanation made matters worse. Sir George Grey pressed his motion to disagree with the amendment, in order that full inquiry might be made afterwards. Mr. Bunny declared that if the rumours afloat were true Mr. Carrington ought not to vote on the question. Mr. Carrington denied that his vote had efficacy except on the road question. It had "nothing to do with the Sartoris and Downe claim and award, which ought to have been paid" when made. Pressed further, he admitted that he had told one of the claimants that "he would not accept more than 10 per cent." (The total award was nearly £18,000.) The Speaker declared that "if the matter came to a division, he would ask Carrington to say distinctly whether he had a pecuniary interest in the matter or not." By 15 votes against 12 the Government was defeated. Mr. Carrington did not vote. A Committee was appointed to prepare reasons for disagreement with the amendment. The Committee could not agree. A debate about appointing a fresh Committee was, on the motion of Mr. Whitaker, adjourned, and though revived on the following day was put an end to by prorogation, which decided at the same time the fate of the Bill.

There were many unfavourable comments in newspapers upon Mr. Carrington's position, and on the patronage afforded to him by Major Atkinson. In the session of 1877 he read voluminous documents to prove that the claims he put forward were righteous, and that he had made no contract for personal remuneration. He looked to "the House to put him right." Mr. Stafford read a letter from England in confirmation of Carrington's statement, but no discussion ensued. Subsequently Major Atkinson expressed a hope to settle during the session "these long outstanding claims." Accordingly, a Bill was introduced, but it was killed by the fall of the Ministry, whose successors deemed it desirable to satisfy the claimants with money rather than with land. On the 6th December, 1877,

Sir George Grey being Premier, the Bill was discharged from the paper, and on the same day, without a division, £15,000 were voted for the "Land Claims of Sartoris, Downe, and others, final settlement." When it was voted Carrington had become a supporter, for the time, of the new Government, and Mr. McLean, a member of the expelled Ministry, moved a reduction of the amount in order that Carrington might redeem his virtuous undertaking, that "nothing would induce him to take more than 10 per cent." Atkinson admitted that McLean was consistent, because he had objected to such a vote in 1876, but "sank his personality in the Minister." Mr. Sheehan was not called to order when he said that if Carrington "had not changed his views with regard to the late Government nothing would have been heard of this opposition."

On the 31st October, 1876, the wearied Houses were dismissed to their homes without the usual vice-regal speech. They had passed more than 100 Bills. Each House had thrown out about a dozen Bills sent to it by the other. The Lower had accepted in 53 Bills the amendments made by the Upper House, and the latter had passed without amendment 35 Bills as received from the Representatives. Less intemperate than their compeers elsewhere, the New Zealand Representatives did not declare that government had become impossible because the Second Chamber exercised its functions. There was occasional resentment in the minds of a few, but no general public opinion desired the practical abolition of the Council by a demand for the unthwarted gratification of every whim of the elected chamber. From the time that the colonies in the Pacific became self-governing there had ever been a rapid tendency to wasteful expenditure, and the Representative House in New Zealand could not complain that it had been restrained unduly by the nominee chamber. The public debt advanced with gigantic strides. In 1873 it was a little less than £11,000,000 sterling. In 1876 it was £20,618,111, and there was little prospect that Vogel's successors would resist the pressure which, according to his own statement, had made him misappropriate a million and a half sterling. The payment of interest on the debt was not oppressive while trade was prosperous, but there were ominous signs that when more money might be



needed there were partisans who would, to escape the prudent need for economy, raise funds by class legislation which would be but a thinly-veiled act of plundering those who were, or were thought to be, rich.

One or two facts may be stated as to the revenues of the provinces which will explain the feverish excitement about the provincial land funds, and at the same time furnish a striking proof that the colonization principles of Edward Gibbon Wakefield had borne the best fruit where they were most faithfully adhered to. New Zealand contained nearly 68,000,000 of acres; of which, omitting fractions, there were 17,000,000 in Auckland, 13,000,000 in Otago, 8,000,000 in Canterbury, 7,000,000 in Nelson, and smaller quantities in the other provinces. It was undisputed that Canterbury had striven to adhere to Wakefield's principle of demanding a sufficient price for land:—sufficient, *i.e.* to bar the employed from becoming landowners until it was desirable for the general weal that they should do so. It was equally undeniable that, surrounded by provinces some of which offered land at a cheaper rate, and not remote from Australian colonies which did likewise, Canterbury was compelled to test Wakefield's theories under great disadvantage.

Yet Canterbury, out of her 8,693,000 had sold 2,300,000 acres for £3,608,000, while Auckland out of her 17,000,000, had for 2,144,000 acres received only £274,000.<sup>1</sup> Otago had striven to adhere to Wakefield's principles. She had received for little more than 2,000,000 acres £1,787,000. Joining together the

1	Area.	£ *	Acres sold.
Auckland	17,000,000	274,000	2,144,000
Taranaki	2,290,000	23,000	70,000
Wellington	7,000,000	585,000	1,640,000
Nelson	7,000,000	424,000	1,337,000
Marlborough	3,000,000	176,000	540,000
Canterbury	8,693,000	3,608,000	2,300,000
Westland	3,045,760	51,096	65,000
Otago	13,257,808	1,787,000	2,047,000
Southland	2,780,592	760,000	779,000
Hawke's Bay	3,050,000	409,000	991,000

\* Cash received for land from foundation of colony to date of abolition of provinces, omitting fractions.

It must be borne in mind that Marlborough, Southland, and Westland were created in 1859, 1861, and 1868. (Returns laid before New Zealand Legislative Council in 1876.)

results in Canterbury and in Otago (including Southland) the comparison with other provinces is startling. Out of 11,915,393 acres sold, from the foundation of the colony till 31st October, 1876, for £8,101,859, the enormous proportion of £5,395,000 had been received by Canterbury and Otago for less than 4,500,000 acres. For about the same quantity of land as that sold by Auckland, Canterbury had received thirteen times as much money. And Canterbury was so prosperous that the hearts of Gibbon Wakefield's pupils might rejoice. It was not to be wondered at that the dwellers in Canterbury, while aiding to abolish the provinces, strove to retain for themselves the reaping of that which they had sown. It was perhaps impossible for them to see what was plain to unbiassed observers,—that no sense of justice would restrain the new Central Government from opening the purse which they had seized. Having combined with others to over-ride the will of her neighbours, Canterbury was to learn that others would combine against her.

It could hardly be doubted that all the special advantages secured for Canterbury by the sagacity of her founders and the exertions of her settlers would be swallowed up by the needs of a Minister in search of money, assisted by representatives from other parts of New Zealand keenly alive to general wants. The waste lands of the province to which peculiar value had been given by local laws, and which would under them have been applied for local needs, were to be the inheritance of others than the dwellers in the province. Raising the price of land elsewhere was likely to promote purchases in Canterbury, and to alienate rapidly the territory on which she had relied for her own aggrandizement, and to which her Government had given exceptional value. It was little consolation to think that in after-times the value of land in other districts might be enhanced, for that also must disappear in due time, and then taxation would lay its hand upon the accumulations of the past to meet the demands for interest and principal of the millions, which at the rate of about £1,000,000 sterling a year, were being added to New Zealand debts. There was much to be said for the policy of centralizing the colonial administration on general grounds, although it was bitter for the provinces to receive their death-draught from the hands of

him who gained confidence as their champion. Bitterer still would it be for the men of Canterbury to feel in after-times that the safeguards on which they had relied to protect their local revenues would be rent asunder by the centralism they assisted to create. Their remedy was about to be sought under a Ministry of which a Canterbury settler was Premier, and it consisted (although he was supported as a Conservative) in a rough resort to single electorates of equal population, because at the time when the experiment was made Canterbury and Otago were more populous than other districts.

Although the Legislators elected in 1876 confirmed the Act of Abolition its opponents still strove against it. At a meeting in September it was resolved that a *plebiscitum* should be taken. The prorogation of the Assembly, in the end of October, frustrated all hope of remedy in the colony. But a Convention was held on the 8th November, at Otago, in the Provincial Council Hall of old days. One hundred and ten quasi-representatives attended, and were almost as unanimous as earnest. A petition was adopted praying Her Majesty to recall the Governor and appoint some unprejudiced successor. Another petition described the importance of Otago, and of the members of the Convention constituted to represent the grievous wrongs endured. Government "from Wellington" would be inefficient and disagreeable, and the Convention prayed that their ancient rights and privileges might be restored, or that Otago and Auckland might be erected into separate provinces. An event, of which the significance was felt beyond the confines of New Zealand, occurred during the recess. The man whose existence as Native Minister had made Ministries possible passed away. A sufferer from rheumatic fever in bygone times, worn by anxiety, and harassed by the fierce light thrown upon his official position by unfriendly criticisms, Sir Donald McLean died in January, 1877. He had resigned office in December, and had issued an address entreating the Maoris to support the Government in which his successor (Dr. Pollen) would pursue McLean's policy. He left devoted friends, Pakeha and Maori. The latter assembled to hold a tangi, or mourning celebration. The ancient war-dance, the imported funeral volleys, the orations by chiefs, the chants and wailing of hundreds of natives, declared the grief of the



tribes. Mr. Ormond addressed them, and Mr. Douglas McLean expressed his gratitude for the love shown to his father's memory. A grand war-dance closed the obsequies in honour of "the great Maori mystery-man."

In distant parts of the world the long cessation of war in New Zealand was deemed a proof that the power or the pugnacity of Maoris had passed away. In New Zealand public men sometimes said that the lion was sleeping but not dead. Dr. Pollen lost little time in obtaining an interview with Rewi (or Manga) the leader of the Ngatimaniapoto, who agreed to discuss matters within his own territory, in order that he might stand on a good footing. The chief recurred to the burden of Tawhiao, "the return of the Waikato to their ancestral lands;" but the Minister adhered to the policy of Sir Donald McLean.

The re-cession of the confiscated land was impossible, but the Government would deal liberally with such of the tribe as might return and settle on unalienated reserves available for the purpose. Diplomacy was at a stand. Litigation meanwhile proffered advantages. The notorious Hawke's Bay purchases had afforded opportunities to Mr. Sheehan. Selected as counsel for the Maori claimants when all the legal talent at Hawke's Bay had been secured for the purchasers of the Heretaunga block, Mr. Sheehan had been invited from Auckland as the Maori advocate. At Napier he had, in 1873, appeared before a Commission appointed under an Act of 1872 to inquire into the alienation of native lands. Judge (C. W.) Richmond presided. The Pakeha Maori, Mr. Maning, assisted, with two Maori Commissioners, Hikairo, and our old friend Te Wheoro. The report and evidence filled 256 pages of a New Zealand blue-book, and Judge Richmond feared that its mass would seem "as untractable as was the business with which we had to deal." Fraud in transactions was the gravamen of the complaints of the Maoris. Inadequate consideration, pressure of old debts, the appropriation of "part of the purchase-money to pay off old scores for spirits" (at a time when it was illegal to allow such debts to be created), incompleteness of payments, secret gifts to procure signatures, deceptive acts on the part of interpreters, want of explanation and of legal advice, were some

of the grounds on which Mr. Sheehan's clients impugned the Hawke's Bay purchases.

The European Commissioners intimated early in the proceedings that they would not allow the payment of consideration in spirits to vitiate a transaction otherwise unexceptionable. In one case £370, or nearly 40 per cent. of a sum of £948, had been so paid. Mr. Justice Richmond reported: "This resolution of ours was adopted as members of a court of conscience expressly freed from the obligation of legal precedent. Whatever the law may say upon the matter, it appeared to us that it would be unconscientious on the part of a native who had received value in this shape to attempt to rip up the transaction. . . . At all events, that the law allows repudiation cannot make repudiation honourable or right. On this ground we determined that the native vendor was, *in foro conscientiae*, debarred from raising this objection." There was a flaw in this reasoning to which the Judge made no allusion. The signatures of the vendors were of those who had become Crown grantees to satisfy the New Zealand land laws. They were fiduciaries for their tribes, and were so deemed by the Maoris. By Judge Richmond's dictum, if a wily agent could obtain the signature of a drunken trustee the rights of innocent hundreds would in a court of conscience be set at nought. It would have been possible to punish an offending Maori trustee without defrauding the innocent. As Judge Richmond has occupied, deservedly, considerable space in New Zealand story, he may be permitted to explain the moral grounds of his dictum. "That a breach of law should be remunerated by allowing one of the offenders to break a contract is an anomaly with which it is to be hoped that the native people will not be allowed to make practical acquaintance, as it would tend doubly to weaken their still feeble sense of legal and moral obligation. It would make the matter worse that to the Maori should belong all the pleasure and the profit, while on the Pakeha would fall the whole penalty of wrong-doing. No worse lesson could be given to a people who have yet to learn that they must themselves bear the burden of their own follies and misdeeds, and not hope to shift it on other shoulders." Judge Maning admitted that "some of the complainants had equitable claims, in general of small value, as against the native

grantees who had sold the land." No one denied that it was unlawful to include a charge for spirits in the accounts, and that many transactions were brought to a climax in public-houses.

Hikairo could not agree with his brother Commissioners. He declared that the ten grantees were "chosen as trustees" by the majority of those interested in Heretaunga; they were not to sell. He challenged the inclusion of store and spirit debts in the price for the land, the undue pressure brought separately to bear on the trustees, "sometimes on the roads, sometimes in public-houses, sometimes in bed-rooms, sometimes upon the sick. I do not think this was a proper way of making a sale of land." Hikairo thought the interpreters, "acting only for the lessees and storekeepers," had caused trouble; and it was elicited in cross-examination that they were to receive from the purchasers a special fee on the sale. On this point Judge Richmond sympathized with the Maori. "The position was a false one. . . . I cannot wonder at the distrust of the interpreters displayed by the native vendors. . . . The interpreter who translates and explains the contract or conveyance ought to be absolutely neutral. . . . His private business may send him to serve a writ sued out by the purchaser to compel specific performance. . . . Something very like this occurred in the case of Here-taunga." Nevertheless the Judge thought that the interpreters had at Heretaunga acted uprightly; although the double functions assumed by them would have "strongly affected his mind" if he had doubted whether the sellers knew what they were doing. He did not close his report without admitting that simple as were the requirements that the native ownership should be ascertained, and the general consent to its extinction secured,—“they have been disregarded in the existing law as practically administered.” He recommended alterations in the law in which he substantially agreed with suggestions made by Sir William Martin and Dr. Shortland. They had also advised a very crucial check upon fraud, viz. that all purchase-money for native land should be paid into Court; but the Commissioner thought such a provision unnecessary if the other improvements should be made in the law.

In the evidence tendered to the Commission, Mr. Ormond was



shown to have been one of the purchasers of the Heretaunga block. He was at the time Government Agent and Superintendent at Hawke's Bay. It may be remembered that in order to enable Henare Tomoana to enter upon a campaign against Te Kooti, Ormond induced a man named Sutton to stay proceedings against H. Tomoana, and that Sutton adroitly obtained judgment by default against Tomoana behind his back in the matter of a writ. It was after consultation with Tanner, the lessee, that Ormond obtained suspension<sup>1</sup> of the proceedings against Tomoana. It does not appear that he endeavoured to protect Tomoana's interests when he had induced him to take the field against Te Kooti. Various devices were resorted to by Sutton and others to procure signatures to deeds of sale. It was shown that Donald McLean distributed money, without reason assigned, to one of the representative Maori grantees. Originally the block had been leased for 21 years, and the lessees inserted improvement clauses, of which the effect would probably be to defeat the Maori owners if they should wish to re-enter into possession. But more rapid improvement was desired. There had been an invalid lease in the first instance. Another was made after the Crown grantees were constituted in 1867. In 1869, various trains were laid to extort their consent to a sale of the block. With the grantees who were drunkards little difficulty was apprehended. One of them, Kawatini, was persuaded, without consultation with the others, to convey his interest to a butcher, who served Tanner, the lessee, with notice to pay to the butcher Kawatini's proportion of the Heretaunga rents. Tanner (to bar expensive proceedings, though at first he had slighted Parker's position on the ground that a grantee could not sell without consent of the others) employed a solicitor in November, 1869, to watch for him an action in the Supreme Court, which Kawatini (proved to have been seldom sober at the time) had been induced to bring against Parker. The case was discontinued by consent. It was arranged that the friendly Tanner should buy Kawatini's interest; and an equally friendly solicitor, Cuff, kindly examined the accounts with Kawatini. "I see an entry (Cuff deposed) 'Attending on Waaka (Kawatini) and going through accounts.' I went through the accounts with

<sup>1</sup> Mr. Ormond's evidence before the Heretaunga Commission.

Waaka several times." The result of the action against Parker was that Tanner secured the signature of the drunken grantee to the sale of the Heretaunga block. The evidence filled nearly 300 pages. Two will exhibit some of its peculiarities. Mr. Ormond admitted that an additional sum was paid after the execution of the deed. "We took advice and were advised to pay it." Some of the grantees were to receive annuities. One of them was Pahoro. Asked if it was ever proposed to give that helpless debauchee an annuity, Ormond replied in the negative, adding: "It would only have been an additional drunk in the course of the year." Asked by the Chairman of the Commission (C. W. Richmond) if the after-payment was understood to be a secret matter Ormond replied: "No. My understanding was that we had to pay a bribe to secure his co-operation, and the simple question in my mind was whether it was worth doing so or not."<sup>1</sup> According to Mr. Ormond public opinion had been so far educated that it was unnecessary to conceal what was understood to be a bribe in obtaining the signatures of trustees who were fiduciaries for their tribe. Amongst the plots to obtain signatures of the grantees was paying sums of money for them, in order to make them debtors to the plotters. Mr. Sutton was asked if he paid away a large sum shortly after an arrangement about Pahoro's and Paramena's claims. He said: "£250 for a steam-threshing machine. I suspect it had been bought previously with Paramena's money." "Then" (said counsel) "he had the satisfaction of paying for it twice over?" "I believe so," responded the knowing Sutton. "Why did you retain Pahora's money instead of paying it over?" "He has never asked for it. He has come to me for sums of £5 or £10, which I have always paid when he has been sober." "Then you are still in his debt?" said the Chairman. "There is a small balance of £40 or £50 still." "Is he aware of this?" "I believe he is—as much as a man can be aware who is almost constantly drunk." One Davie, an hotel-keeper, was in the habit of dealing with Paramena. The negotiators resorted to him. The interpreter whom they employed told Davie that it was desired to obtain an order from Paramena. Davie went to Paramena with the interpreter. "It was useless to ask Paramena

<sup>1</sup> Hawkes' Bay Native Lands Alienation Commission. Napier: 1873.

for so small an order as £30, as I could get that sum from him at any time. . . . He had settled with me only a week or two before. I had no doubt he would pay when I asked. I was unwilling to go at all, thinking it was coming rather sharp on him." Forty pounds was the amount fixed upon. Paramena was unwilling "to receive money on account of Heretaunga," but the interpreter overcame his scruples and he signed. The order was drawn on Williams, one of the purchasers, but he did not pay it. Davie asked Williams twice and Ormond once for payment. When Ormond was reluctant to pay Davie said: "If he would not give me a cheque I would tear up the note. He then gave me a cheque." The careful Sutton, according to Paramena's evidence, obtained a power of attorney from Paramena, and when the latter was asked to sign the conveyance he did so, saying: "There is nothing for me to do but to sign. I am always signing. I am not desirous to sell." Tanner asked him in Court if he raised any objection to the terms of the document, and he replied: "No; because you said it would be useless for me to oppose it." Pahoro said that when the agent went to him to procure his consent at a public-house, "we drank a good deal. There were twenty persons drunk." The interpreters employed by the purchasers were promised (irrespective of their authorized fees) a bonus of £300 if the purchase should be negotiated. The Chairman (Mr. C. W. Richmond) condemned such a procedure. "As soon as an interpreter takes a lump sum for his success he necessarily becomes a negotiator. The notion that a mere interpreter can have a client is monstrous. With perfect propriety the Government regulations afterwards prohibited negotiation by interpreters." Nevertheless the procedure was not allowed by the Chairman to invalidate the transaction before him. How one chief deposed that, to escape the importunity of Tanner and the interpreter, he hid himself in a willow-tree one day and in a loft on the next, but finding that others were receiving money he also submitted and signed, and was told that the £1000 he became entitled to thereby was swallowed up in paying his previous debts,—may be read by the curious in the report of the inquiry. The Maori assessors vainly objected to sanction the arts employed against their countrymen. A licensed interpreter having asked permission to correct his



evidence, Hikairo said : " You appear to correct your statement a great many times ; is this the last ? " and the conscious witness replied : " I hope so."

Unsuccessful before the Commission, Mr. Sheehan's clients resorted to the Supreme Court, and encountered the proverbial delays of law. The arts by which purchases had been made in the first instance were freely used to protect them. Mr. Sheehan told the House in 1877 that a Maori girl, eight years old, was induced to " sign a deed of mortgage to secure payment of certain sums of money," and that an interpreter endorsed the deed, with a " solemn declaration that he had explained the deed, and that the child fully understood it." This, he said, " is only one of scores—absolute scores—" of the Hawke's Bay transactions. The report of the Heretaunga Commission reproached by its recommendations the system of which it was unwilling to condemn the results. It advised that the power of selling land under mortgage should be abolished, together with that of selling land under a Supreme Court judgment ; and that costs against natives in cases against Europeans should be forbidden. It admitted that the absence of legal advice " would in an English Court of Equity be a very serious objection ; " and Sir Donald McLean, in 1873, introduced a Bill to remedy the defects pointed out. The weakness of the original transactions was patent ; and, to shelter them, the purchasers resorted to strange devices. It was hoped that want of money would prevent the actions from being prosecuted. But self-interest was strong, and many transactions were incapable of legal justification. To secure a title, where the original purchase-money was about £2000, one set of conspirators paid no less than £17,500. Numerous cases were pending when the General Assembly met in July, 1877. At the same time an action for libel against the ' Waka Maori,' the newspaper edited by the Government, was being prosecuted by Mr. Russell, and, inopportunately for the Ministry, a verdict for £500 was given. They had by various methods endeavoured to support the newspaper, although the House had, in 1876, struck from the estimates the subsidy of £400.

In September, 1877, Mr. Rees, the hero of long speech in 1876, moved, almost without a word, that a Committee be

appointed to inquire into all dealings with native lands by landed proprietors in Hawke's Bay. Mr. Ormond, the Minister for Public Works, rose to reply, and, if he could, to hurl back upon members of the Opposition the imputation of improper dealings. He was able to quote the words of the Chairman of the Commission, exculpating him from any blame with regard to the Heretaunga purchase, and declaring that the complainants failed to establish any "ground for impeaching the good faith of the transaction." He attacked Mr. Rees, Mr. Sheehan, and Sir George Grey, and bitterly assailed the "organization in Hawke's Bay . . . known as the Repudiation Association," which stirred the Maoris to ill deeds. He rashly charged Sir G. Grey with having, while Governor, striven to become one of a company to acquire from the natives, in 1867, an estate of more than a quarter of million of acres near Lake Taupo. Sir George Grey demanded inquiry. Ormond promised to produce letters to prove his charge, and when the House expected compliance it was found that Whitaker (the Attorney-General), custodian of certain letters, shrunk from producing them. He was scrupulous enough to desire to obtain permission from two persons, although he had allowed Ormond to base charges upon the letters and to say that they would be produced. When, in the course of the debate, one of the members of the company alluded to by Ormond declared that Sir G. Grey "had no more connection with the partnership, no connection meanwhile with the negotiations, paid no money," and no more interfered with the matter than the Speaker "or anybody else in this House not belonging to the company," it was clear that the charges would recoil upon their makers. Whitaker himself was found to have been one of the company. Unable to prove their charges, the Ministry endeavoured to shelve the whole subject by means of the "previous question." In debate, a member elicited the significant fact that the company spoken of by Ormond never intended to buy an acre of land. Ormond retorted: "I said 'acquiring' country; which I knew just as well then as I do now referred to leasing and not purchasing."

The effect of such proceedings was to damage the reputation of the Ministry and excite sympathy for their intended victim. But members were unwilling to see Sir G. Grey, the foe of

abolition, placed in power. The ghost of Provincialism still stalked in the land. The Government secured a majority by 41 votes against 34. But subsequent events weakened their position. Ormond and Whitaker's speeches were found to have been significantly altered. Their speeches revised by themselves contained no allusion to the "purchase" of land imputed to Sir G. Grey. The letters asked for were produced by their writer, Mr. Russell, who declared that Ormond's statement that Sir G. Grey used his position as Governor in the transaction was "absolutely and entirely false, and without a shadow of foundation."<sup>1</sup> The engineers had been "hoist with their own petard." On the 2nd October, the letters and Mr. Russell's statement were laid on the table by the Speaker. On the 8th, the Select Committee submitted to the House in parallel columns Mr. Ormond's speech as first reported and as altered by him. On the 10th, the Ministry was declared by 42 votes to 38 not to possess the confidence of the House. Some of their measures deserve mention. The Governor's speech on opening the session congratulated the members on the general prosperity, and referred to an Education Bill, a Land Bill, and a Native Land Bill as amongst the Bills to be considered. Taxation had troubled the Ministers. The Treasurer made his financial statement on the 31st July. He proposed to raise a loan of £2,000,000, but not to interfere with the incidence or character of taxation. On the 3rd August, one of his supporters (Mr. Woolcock) moved that "the time has arrived when a change in the incidence of taxation has become necessary. . . ." The motion was an amendment on the Treasurer's motion that the House go into Committee of Supply. Mr. Woolcock proposed a tax of one per cent. on all holdings of land excepting those under 50 acres. He stated that 112 persons in the colony held 7,700,000 acres of land amongst them. He did not object to their holding it, but it must pay a fair tax, and no Ministry would be allowed to hold office who had "not the will or courage to grapple with the question." Mr. Rees had, on the 2nd August, moved a resolution condemning the Government for using influence, and for providing

<sup>1</sup> Tairaoa said: "I am much ashamed of the manner in which this debate has been carried on. I can only think that the words of King David were right,—All men are liars."



funds to defend one citizen against another in a matter of libel, and declared that their doing so in the matter of the action brought by Mr. Russell against the 'Waka Maori' newspaper, after the House had refused to grant a subsidy for the paper in 1876, was "highly reprehensible." Mr. Rees asked the House to discuss his proposition "outside of political considerations altogether." The Government demanded that it should be understood whether it was to be "treated as a no-confidence motion." If so, they would suspend all other measures to enable it to be dealt with. Mr. Gisborne said that he had never before heard of a Ministry which did not know whether a direct vote of censure implied a want of confidence. Mr. Whitaker having in the mean time brought a Native Land Court Bill into the House, Mr. Woolcock's amendment was again discussed on the 17th August. On that day Mr. Bowen (Minister of Justice) suggested an amendment, accepting the principle of Mr. Woolcock's proposition, with the proviso that "the financial propositions of the Government next session should embody it." The motion that the Speaker do leave the chair having been negatived, Sir George Grey moved—That the system of taxation should "immediately be altered," with a view to lighten the Customs duties and impose burdens upon income and property. His desire was to put "an acreage tax upon all landed property." Mr. Macandrew supported Sir G. Grey. Major Atkinson laughed at the idea that it would be possible in half-an-hour to introduce "a Bill changing the entire taxation of the country;" and the House did not sympathize with Sir G. Grey's professions. Mr. Murray moved that the word "immediately" be omitted, so that changes might be postponed till 1878. Mr. Reid, member for Taieri, was greatly taunted in the House because, having been a violent opponent of the Atkinson Ministry in the previous session, he had recently joined it. He had, in 1876, denounced their declared intention to localize the land revenue, and at the same time subsidize the local revenues, as deceit or folly, for the "two things were impossible." He had joined, and now ardently supported them. There was a succession of amendments which did credit to the ingenuity and obstinacy of the Opposition, but on the 23rd August it was resolved in words proposed by Major Atkinson, with alterations accepted from Sir George Grey, that

"the incidence of taxation should be so adjusted as to impose on property and income a fair share of the general burdens entailed on the colony, and thereby afford means for the reduction of taxes on necessities; and that the financial proposals of the Government next session should embody this principle." Sir J. Vogel's successors were at last brought face to face with the result of purchasing support in the provinces, and of abolishing the provinces at the risk of confiscating the land resources husbanded in one district and employing them for the behoof of those who had been wasteful elsewhere. Probable reprieve to another session had been gained; but the dread of politicians—an abstract resolution—was to haunt the Ministry if they should obtain a recess. Scarcely had the equivocal haven of postponement been reached when Mr. Reader Wood barbed the darts of the huntsmen afresh by moving, that as the Government could not equalize their receipts and expenditure "without interfering with the appropriation of the land fund made by the 16th section of the Abolition of Provinces Acts, 1875, the land fund should be at once made part of the ordinary revenue, and appropriated annually by this House."

The Abolitionists of the Middle Island were alarmed. Mr. Reynolds, so ready to blow to thin air all treaties or compacts with Maoris, rose in disgust. The Compact of 1856, the Abolition of 1875, the Financial Arrangement of 1876, would be broken by "even entertaining for a moment any alteration of those laws." . . . If the southern part of the colony is goaded by such motions (as Mr. Reader Wood's) there is sufficient moral strength to make any Government of the colony impossible." Mr. Joyce retorted that Reynolds must have much simplicity of character if he could not, in 1876, see that the natural consequence of abolition would be that which he now deplored, and which was foretold by many members of the House. Mr. Hodgkinson said that the extravagant expenditure entailed by Sir J. Vogel and his wretched schemes had now begun to produce its pernicious results; and that as necessity had no law, some Government would probably lay hands upon the land fund. Mr. Hodgkinson hoped that a further constitutional change might be made, "for all that has been done has only reduced us into a state of chaos." Mr. Lumsden was ashamed

of the "spectacle of men, who contended for the localization of the land fund as the apple of their eye, consenting to its spoliation." Mr. Reader Wood asked whether the present Government had not "already broken the arrangement. Have they not taken £100,000 of the land fund from Otago and £53,000 from the land fund of Canterbury?" The Government had held a meeting of supporters in the morning, and Mr. Stout denounced the "constant lobbying and manœuvring to secure votes." Mr. Travers ridiculed the compact of 1856 as "a political absurdity." Confident in their strength the Government left the Opposition unanswered, and Mr. Travers said that the honourable gentlemen who attended the caucus meeting in the morning "ought to be left to carry on the business during the remainder of the session." The meeting which had resolved to support the Government in all measures, be they right or wrong, was an outrage. Mr. Reader Wood's motion was rejected by 46 votes against 13, but the House did not go into Committee of Supply. If the Government support was equivocally procured, the Opposition tactics were unequivocally obstructive. A month elapsed before it was determined whether the House would gratify the Government by going into Committee of Supply. Mr. Fox, who had recently returned from England, shielded them when he could. Mr. Stafford did the same. It was the fate of the remnant of Vogel's garment to be patched by those who had striven to rend it during his tenure of office. Various questions intervened between the Government and their doom. Mr. Fox was zealous upon a Local Option Bill. An Education Bill introduced by the Government occupied much time. The measure which had passed through the Lower House in 1873 had not vitality to carry it through the Upper. Mr. Bowen, the Minister of Justice, proposed in 1877 to establish School Districts, Local Boards, and a capitation fee of 10s. for each child, in consideration of which all school fees were to be remitted. The State was to contribute about £3 10s. for each child. He admitted that it would be unwise by making education gratuitous to sap the moral responsibility of parents. The compulsory clauses of the Bill were left to be carried out by the local committees. He wished the Bible to be read in the schools, and startled some members by citing a passage in which Professor Huxley hymned



its praise as noblest and purest English "woven into the life of all that is best and noblest in English history. . . . By the study of what other book could children be so much humanized and made to feel that each figure in that vast historical procession, fills like themselves but a momentary space in the interval between two eternities, and earns the blessings and curses of all time, according to its effect to do good and hate evil, even as they also are earning payment for their work?" The Bill provided that there should be Bible-reading at the opening of the school. From such reading parents could withhold their children. The Bill was generally well received. A gentle appeal was made by Mr. Curtis against the teaching of history unpalatable to Roman Catholics. Dr. Wallis commented upon the illiberality of those who desired to exclude the Churches from an educational system. As to excluding all reference to God, he "supposed the time would never come when a Minister would be so atheistic as to take all the school-books and erase the name of God from them."<sup>1</sup> On the 3rd September, by 41 votes against 6, the second reading was carried. Sir George Grey opposed it in speech but not by vote. Before the Bill passed through Committee the angry discussions caused by Mr. Ormond's wild charges against Sir George Grey in connection with Lake Taupo, occurred, and Mr. Stout signalized himself by obstruction in Committee. The clause empowering the local committees to levy capitation fees was struck out by a majority of 7 in a House of 69 members. The reading of history was opposed by 6 members, of whom Mr. Stout was one; and it was determined that no child should be taught history if his parents or guardians objected. Mr. Curtis proposed to amend the provision for reading of the Scriptures at the opening of the school by leaving the local committee power so to order. By 35 votes against 19 Mr. Curtis was defeated; Mr. Whitaker, the Attorney-General, voting against his colleague who conducted

<sup>1</sup> Strangely enough, what Dr. Wallis considered impossible was almost exactly what was soon afterwards recommended in Victoria by a Minister of Education, professing to be a Roman Catholic, and also by Mr. C. H. Pearson, ex-Fellow of Oriel College, Oxford, who was, at the time of the recommendation, a representative of a parish in the Assembly of the Church of Eng'land. For an account of the preaching of St. Paul at the Areopagus, they substituted a treatise on Manchester and bags of cotton.

the Bill. Mr. Curtis strove to authorize the establishment of separate schools in the manner in which, by yielding to expediency on one side and by selfishness on the other, they were constituted in Canada. By 31 votes against 18 he was defeated. The provisions by which Mr. Bowen hoped to leave religion in honour in the schools, without enforcing instruction upon conscientious absentees, were all struck from the Bill. Dr. Wallis pointed out that the Roman Catholic members could not complain that separate schools were not available for them, inasmuch as they had by their votes in other respects contributed to stamp a secular character upon the Bill. It had been made at once secular and sectarian. The country was not in favour of such a change, excepting "a few newspaper men and a few infidels and inebriates, especially from the gold-fields." A member rose to rebut the charge, but the ethics of Parliament have the singular moral effect of permitting a member to denounce those who are not present in terms inapplicable to those who are. As Dr. Wallis had spoken of "people outside the House" he was without reproach. By 43 votes against 16 the Bill was read a third time. In the Council, Dr. Pollen carried the second reading without a division, but he and his colleagues had ceased to hold office during the later stages of the Bill. The Council restored the provision for reading the Bible and made other alterations, but the more important were subsequently abandoned. Their amendment making the voting for school committees cumulative was agreed to by the Representatives. There were in both Houses some qualms about relieving parents of the solemn duty of contributing, when possessed of means, to educate their children, but the profaned name of liberality was appealed to, and it was resolved in defiance of reason and experience that, because it was to be compulsory, education must be free. There was no other subject on which such a fallacy was allowed to prevail, but it is popular to dispense money. The exchequer was to be robbed with clean hands. The bribe to parents blinded them to their demoralization. No member had the hardihood to point out that many things are compulsory which are not free;—that a man is compelled by law not to starve his child's body, and is bound by solemn considerations not to starve the mind. Nay more—the

law steps in in numerous cases to compel, without providing funds for the compelled. A man is neither allowed to starve his pig nor to keep his premises in offensive disorder. It is not wonderful that the study of logic has been found repulsive to the bulk of mankind. Men are creatures possessed of reason with a violent repugnance to use it. Sir G. Grey was not ashamed to lend his abilities in support of the prevailing fallacy. The assumption of the total cost of education tended to increase financial difficulties, while it stereotyped the vicious principle under which the Treasury had been made a storehouse for bribery. The mode of enforcing penalties was simple. Any parent or guardian neglecting to comply with an order to send a child to school was liable to pay a fine not exceeding 40s., and the penalty might be re-enforced week by week. There was one measure, of which Whitaker the Attorney-General was sponsor, which deserves notice. He declared, "that the object should be, not only to have the surplus land dealt with, but to put the whole under a Crown title, whether retained by the natives or not, because it is of the greatest importance that the native title should be extinguished as speedily as possible." Such had ever been the object of Whitaker and his congeners. By law or by war they had striven to attain it. By confiscation of the joint rights of tribes they had attained it in Waikato. Mr. Whitaker declared that the Bill was not intended "to throw the lands into the hands of speculators," but to "afford facilities for acquiring land without incurring large expense, great difficulty, trouble, and loss of time, as is the case under the Act at present in force." Speculators were an ill-used race. Even in dying the Maori would give trouble, and "unfortunately in different districts they are dying out very fast." "There may be . . . as many as seventy . . . owners in a certificate of title or a Crown grant as the case may be, and by the time the purchaser gets perhaps the signatures of twenty some of the other owners may die. The consequence is that the purchaser has to go to the Native Land Court and get successors appointed. By the time these successors are appointed, other natives will be dead. All this renders the land in point of fact inalienable." Such was Mr. Whitaker's wail. Unhappy Maoris! Not even their death could gratify the foe, who professed to be their friend.



Unhappy Whitaker ! Even from the tomb of a victim rose the ghost of obstruction to the one thing needful—swift and utter annihilation of the hereditary rights guaranteed by the treaty of Waitangi. His moan was not prompted by the indelicate malice of wit. It was part of a plain plodding speech which lasted an hour and a half, and purported to contain facts. Blind to the perverseness of a grief which found in the decay of a noble race a main cause of lamentation in the fact that land speculators were incommoded in wresting their native soil from the Maoris, Whitaker had circulated his Bill before the House met, and hoped for success for a measure which he described as “not pretentious.” How untrue such a term was applied to the Bill may be seen in one clause, which kept alive unjust retrospective provision of a former Act (proposed to be repealed), which enacted that the Maori grantees “shall be, and shall be deemed to have been, tenants in common and not joint tenants.” In other words, it was sought to destroy in terms the co-extensive and joint tribal perpetual tenure guaranteed by the Queen. But blots were seen in the Bill. Dr. Wallis showed that one clause enabled the Government to stay any trial or legal proceeding at any stage. “What a strange tampering with Courts of Justice have we in that section !” Another section embodied Whitaker’s old contention that, in defiance of the treaty, native lands could be seized for roads. Of this Dr. Wallis did not complain, but a provision that, after seizure of land the Government might release it seemed to aim at “rewarding their friends and punishing their enemies.” Too much power was in his opinion placed in the hands of the Chief Judge.<sup>1</sup> The Bill would injure the Maoris, and would “throw a large proportion of the native lands into the hands of speculators.” Takamoana condemned the Bill. “Cease to frame any Bills affecting native lands this year. Let the Parliament have recourse to the tribes for suggestions for a proper Bill. I declare that if the Government succeeds in carrying the Bill in this House, I will leave it.” Tawiti would support the Bill if modified so as to confer “more authority upon the native assessors.” Mr. Bunny declared that “a more pernicious Bill was never brought before the Assembly. It

<sup>1</sup> But the power to arrest any proceeding effectually precluded the Judge from doing anything distasteful to the Government.

would subject the Maoris to a few rich men." Mr. Ballance moved an amendment. Let the Bill be withdrawn. He could find in it neither justice to the natives nor care for "the true interests of settlement." He "did not believe that the House ought to legislate upon what he might call a basis of immorality." Mr. Travers denounced the Bill as a departure from the principles of Donald McLean, who held that a great obstacle to settlement was the advantageous position held by "agents of capitalists and speculators in buying up large tracts of country." It tended to throw the North Island open "to be flooded by speculators." Those speculators would engross the land, keep out working settlers, pauperize and disaffect the natives. The Maori member, Nahe, disapproved of the Bill. His countrymen condemned it. It "reduced the authority of the native assessors." "Clauses 83 to 87 took away the land of the Maoris." Let the Government ask the natives to prepare a Bill. Some of them would prefer that their lands should be taken by Russians and Turks rather than by professing friends. Taiaroa declared that the Government had not explained the real objects of the Bill. "I propose to call it another Land Bill to take away the land of the Maoris—that is, to plunder them of their land. . . . The Bill provides that the assessor may sit with the Judge, but he has no authority in the decision. Of what use is it to place men in such a powerless position? . . . It is provided that the Government or some capitalist may advance money for survey of lands; but if the Maori has no money to repay the cost of survey, the land is to be seized, and kept till he can pay the cost. If he cannot pay, the land is to be taken. This is but a method of mortgaging to make our lands pass away from us." Mr. Stout condemned the Bill. He supported Mr. Ballance's amendment. Mr. Reid, a Minister, opposed Mr. Stout. He did not profess to understand the subject, and his speech went with his profession. Mr. Rees spoke at some length, and bewailed the fact that Te Waharoa the king-maker, rebuffed by Donald McLean, was driven to organize the movement which established the Maori king. Like Takamoana he denounced the creation of assessors, without a voice in decision, as "mockery and delusion." Calling to mind the time when Henare Tomoana raised a corps of 150 men and foiled Te Kooti, he said the Government

had not reimbursed a sixth part of the cost incurred by Henare. "I tell you this, as it ought to be made matter of history." The chief and his brother, having contracted debts, were threatened with imprisonment unless they signed conveyances of land. "Under such pressure these men who saved the country from the rebel natives actually signed the deeds." Was not Mr. Ormond (a Minister) now part owner of the property so acquired? Was it not necessary to protect the Maoris from such plunderers? All men knew that the Bill had created rankling discontent in the Maori mind. One Maori described it as a "monster called the new Government Land Bill; and oh! Maoris! regard the teeth of this monster, and see how you like them." The debate was adjourned on the 7th August, while yet the Government was strong in the House. On the 10th, the Premier desired to postpone the Order for resumption of the debate. The Government sympathized with the amendment which adverted to the "expressed wishes and real interests of both races," and contemplated acquisition of "native lands in limited areas by small settlers." Earnest and secret meetings were held with regard to other matters. On the 14th August, the Premier, Major Atkinson, moved that the Order of the day to resume the debate on the Native Land Court Bill be discharged. The Government would withdraw the Bill, would consult with the natives during the recess, and would bring in a Bill to "stop all private dealings with native lands until after the close of the next session." Mr. Gisborne invited attention to the insidious clauses in Whitaker's Bill which Taiaroa had assailed, and which enabled a speculator to lend money for survey purposes, taking security and becoming mortgagee in anticipation so that without his consent a Maori could not obtain a certificate of title. Mr. Fox, admitting that the introduction of Maori members in the House had been wise, was grieved that they had thrown no light upon the Bill. Mr. Gisborne read the clauses which Taiaroa had condemned. He believed in his "heart that Sir Donald McLean would sooner have cut off his right hand than have allowed it to affix his approval to this Bill." There was acrimonious debate. The Opposition were emboldened by the retreat of the Government. Mr. Travers detailed the manœuvres by which a great chief at Hawke's Bay had been beguiled



out of lands worth hundreds of thousands of pounds, for "bad grog, indifferent slops, and a gig," and when reduced to the pitiable condition of a drunken sot, "had been induced to sign a final conveyance" of land. Mr. Rees said that the Heretaunga block "at present worth I suppose £400,000" had passed by such devices into European hands. Captain Russell, a ministerial supporter, with strange simplicity observed that it was natural for Maoris to oppose the Bill, "because the 35th clause distinctly takes away the '*mana*' from the chiefs." He averred that the "supposed unscrupulous swindlers in Hawke's Bay never robbed the natives to the extent the Government did." He designated the Maori as belonging, according to Judge (C. W.) Richmond, to "an age prior to morality." He "considered Henare Tomoana one of the most accomplished liars it had been his misfortune to listen to," and sat down as he quoted the words in which Shakspeare makes Iago descant on the blessings of a "good name." The burst of borrowed eloquence roused Henare Tomoana's half-brother Takamoana, who moved the adjournment of the debate, and on the 16th August resumed it. Let not the Government prepare another Bill. Let the Maoris do so. Do not attack the Maoris through the laws. "If they are to be attacked let it be done openly. . . . This mode of making laws does not at all tend to the unity of the two races. . . . The great thing in which I fail in this House is my ignorance of your language. Therefore, I beg of you to act fairly with regard to our lands. Let this year be left for the people to work in." He read a petition concurred with by 3000 Maoris. It complained—"1. That in the Bill too much power is given to the Governor. 2. Too much is given to the Judges. 3. The entire absence of power in the native assessor. 4. The authorizing one man to apply for investigation of title to land. 5. Authorizing one man to sell or lease land. (We do not like these provisions. It would only be right if done by the majority in the grant.) 6. Authorizing one man to subdivide land. This is not right; the application should be from the majority. 7. Authorizing children to sell land. This is not right. Authorizing married women to sell or lease land. This is not right. This law does not exist among Europeans. If you authorize your children and your married women to sell their lands, then

only will it be right to let this become law for the Maoris. 8. Authorizing people to mortgage. This must not be. We have suffered very greatly indeed through mortgages. 9. We have fully seen the evils of these clauses, viz. 12, 17, 18, 35, 38, 40, 41, 47 to 56, 58, 63 to 72, 77 to 87, 95 to 98, 110 to 112, 113 to 116, and 120 :—all of them. And we pray that the investigation of titles to Maori lands should be by the chiefs and men of knowledge of the Maoris.” Takamoana read the petition, “on account of the speeches made by Sutton and Captain Russell.” The natives had been robbed of their land “through the law and under the law.” Captain Russell called Henare Tomoana a liar, but gave no reason for doing so. Henare’s evidence was confirmed by others, but nevertheless it was not believed. “Who had got justice from the Hawke’s Bay Commission?” Nahe, the Western (Maori) member, had “something to say about the continual making of laws about native lands. In every year the Government upsets its own laws. I conclude therefore that they must be bad, seeing that the Ministers bring them in, and then throw them out. If they were just they would not need to be discarded. I suspect that the Europeans are not so expert at legislation as I once supposed. Though they may seem to have great legal talent, it appears they do not know how to make permanent laws, and it would be well for the Maoris to make an experiment in drafting Bills. I think they would make quite as good a Bill as the Europeans can.” Tawiti, the Maori member of the Ministry, advocated the withdrawal of the Bill and consultation of all natives as to a new one. Mr. Bryce coarsely concluded the debate. Members were in error who supposed that Maoris would be irritated if prevented from selling land. The fact was far otherwise. “At present they entertain a suspicion that every one is trying to grab their land.” The Bill was withdrawn.

It may be mentioned cursorily that a virulent article in a newspaper published at Oamaru induced Mr. Whitaker to move (16th August) that it was “a breach of privilege.” The whole of it was “absolutely false.” It suggested that Whitaker’s Native Land Bill ought to be entitled a Bill to further enrich at the expense of the colony the Attorney-General and his colleagues in land speculations. It called the speculators who

schemed to acquire vast tracts of territory "a curse to the country." It assailed Whitaker in terms which need not be repeated. Whitaker's motion was carried, and the printer was ordered to appear at the bar of the House. On the same day the Native Land Bill was withdrawn. On the 28th August, the printer appeared at the bar. Nothing daunted, he averred that the article complained of was written in compliance with duty to the public. It was desirable to check the growth of land-monopolies. He proceeded to quote speeches of members which were as denunciatory as the article. He was sorry to have come into collision with the House in doing his duty, and should it be held that he had "acted with indiscretion" he was prepared to submit to the judgment. Whitaker moved a resolution contemplating the prosecution of the printer. After amendments and divisions it was resolved that "the Attorney-General be instructed to prosecute . . . for a libel on a member of this House in his place in Parliament; and in the event of the verdict on the trial being for the defendant, or should the jury disagree, all costs incurred on behalf of the defendant should be defrayed by the Government as between attorney and client." Mr. Whitaker had said in the debate, "I feel this, that either Mr. Jones ought to be placed in gaol, or I should be turned out of this Parliament." When the trial took place Mr. Whitaker was out of office, and his anxiety for a verdict seemed to have waned. His counsel resorted to dilatory pleas,—but in vain. Mr. Rees was counsel for Jones. He called no witnesses, but the jury were so impressed by the facts or by his eloquence that they found a verdict for the defendant. Mr. Whitaker, having failed to put Jones in gaol, swallowed the leek and retained his seat in the House. The tax-payers of New Zealand paid the costs—in money.



## CHAPTER XIX.

## THE 'WAKA MAORI,' NEWSPAPER.

MR. ORMOND'S refuted charges against Sir George Grey cooled the friendship of those who disliked the mire into which the Ministry dragged their supporters. The small Maori newspaper, 'Waka Maori,' was to furnish the weapon with which the Ministry was to be slain. The public corruption which Vogel had confessed and bemoaned as diverting a million and a half sterling from its legal purpose had been condoned. It had indeed never been censured by the House. It was a camel easily swallowed. But members strained at the 'Waka Maori' gnat. The action brought against the printer was pending when the Houses met, and Mr. Whitaker in reply to Mr. Rees (1st August) said the plaintiff would probably pay the costs. On the 2nd August, Mr. Rees moved that it was unjust and unconstitutional for a Ministry to use Government influence on their own authority in defending one citizen against another, and that the carrying on of the 'Waka Maori,' after its dole had been struck from the estimates, was "highly reprehensible." Mr. Whitaker thought that while an action was pending the subject ought not to be discussed in Parliament, and an interrupted debate was not resumed until the end of September. Meanwhile the law officers advised that a "plea of justification could be maintained" against the prosecutor. Mr. Russell obtained a verdict (of £500 with costs) against the 'Waka Maori.' In two divisions on a Settlements Works Advances Bill (denounced as encouraging favouritism) the numbers recorded were equal, on the 25th September, and only the Speaker's casting vote kept the subject alive for further treatment. On the 26th September, Mr. Larnach, member for Dunedin city, moved

the discharge of the Order of the day for resumption of debate on the 'Waka Maori' case, with a view to move on the motion for going into Committee of Supply: "That this House disapproves of the action of the Government in continuing to publish the 'Waka Maori' newspaper at the public expense in defiance of the vote of this House, and in allowing its columns to be used for the publication of libellous matter." The Government accepted the challenge. Mr. Whitaker, on the 27th September, denied that the Government had disobeyed the wish of the House. The 'Waka Maori' had ceased to exist when condemned, but many chiefs had petitioned for it, and it was decided to carry it on,—“a number of gentlemen guaranteeing to subscribe towards the cost.” Dr. Pollen, who succeeded Donald McLean as Native Minister, supervised the publication, which was continued until July, 1877, when Parliament assembled. Mr. Lusk asked why, if the publication were a private speculation, it was not printed at a private office, and why it appeared under the Royal Arms with the Government imprimatur. Whitaker declined to name the guarantors, but Mr. Lusk elicited from Major Atkinson the fact that Atkinson, the Premier, was one. Mr. Wakefield pointed out that, besides having to pay for the libel against Mr. Russell, the Ministry had had to make “an abject apology” to Mr. Sheehan for a libel in the paper. Votes had been carefully solicited. Stafford and Fox still clung to the remnants of the Ministry which the latter had constructed to do Vogel's pleasure, and to which the former gave his adhesion when Vogel determined to abandon his provincial pledges and support abolition. The succession of Sir George Grey to office was looked upon with dread by many Representatives from the Middle Island, and by many influential persons in the community. Mr. Sutton, the Heretaunga negotiator, extended his slimy patronage to the Government with effusiveness which must have been irksome to them. Mr. Carrington did the same. Mr. Rolleston, from Christchurch, marked his sense of the occasion by alleging wider issues than the existence of a newspaper. “We find Sir Julius Vogel with a considerable number of the present Ministers buying support to what I consider to be a most wicked and foolish change in the constitution of the colony by giving three distinct pledges. The first was

that the counties should have substantial endowments and higher powers of local self-government. The second was that the compact of 1856 should be carried out in its entirety, or that there should be what is now termed localization of the land revenue ; . . . Well, we have now in power the same Ministry, or at any rate a Ministry which is generally looked upon as representing the abolition policy, and these gentlemen have entirely falsified those pledges and promises. The subsidies have been taken in support of charitable institutions. The localization of the land fund is being gradually refined away by the Colonial Treasurer, and a gross fraud has been perpetrated upon the province of Canterbury in taking, upon no principle of justice, a portion of the fund it has in hand."

Mr. Wason assailed Mr. Rolleston as one of a great middle party consisting of three persons. Mr. Gisborne, one of the three, retorted that Mr. Wason himself had been converted into a Ministerial supporter by a road district manœuvre, abetted by the Government. Mr. Gisborne would vote for the motion because he wished to see "a Ministry which will not be servile during the session and defiant during the recess." Mr. Stafford strove to defend himself against the imputation of deserting his party. He seemed not to know that he had been dragged behind the car of Vogel. He explained the secret of his sudden conjunction. One Mr. Studholme was entrusted by Stafford with the task of "sounding" Vogel and the Government supporters. Stafford undertook to sound the Opposition. Thus was the abolition scheme secretly ascertained to be safe, and thus were Vogel's arts transferred from one camp to another by the counting of heads. Denying that he had licked the hand that smote him, Mr. Stafford claimed to have made Marionettes of the actors who strutted on the ministerial stage. Of the secret negotiation by which he was, "if he wished," to become Agent-General if Vogel could secure a commission on conversion of New Zealand stock, Mr. Stafford prudently said nothing.<sup>1</sup>

It will be remembered that a needless insult to Donald McLean shook Stafford in his place in 1869. He now reverted to it as "an unfortunate difference," which made Mr. Ormond

<sup>1</sup> It was elicited in debate, in 1878, when Vogel and Stafford were not in the House. Major Atkinson's admissions have been already quoted.



adhere to McLean. Nearly every Ministry since 1856 had been "more or less a coalition Ministry," and Mr. Stafford had no uncomfortable feeling in voting with former opponents. Mr. Stout severely criticized the "humbling confession" just made to the House, in which Mr. Stafford acted so ignominious a part. Mr. Murray reminded Stafford that he had "played into the hands of a Government which he formerly denounced as corrupt." Taiaroa informed the House that the Government supporters had "altogether refused" him a pair. "Therefore I shall remain till this matter is concluded, no matter what trouble occurs in my place." Mr. Ballance, who was deemed a rising member, supported the Government by his vote, but inveighed against the prevalent habit by which New Zealand Ministries maintained their position. "When honourable members are taken over from the Opposition—its distinguished members, its debaters—by such a course you destroy all reasonable hope of any constitutional Opposition being formed. . . . This is at the root of all the demoralization and obstruction that have taken place in this House." On the 1st of October, by 42 votes against 33, Mr. Larnach's proposition was rejected.

It was on the 2nd October that Mr. Russell (the writer of the letters which Mr. Ormond had quoted) wrote to the Speaker, and declared that Ormond's statement about Sir George Grey's conduct in the Lake Taupo affairs was "absolutely and entirely false." On the same day Sir George Grey moved that the reporter's proofs of the debate on the Hawke's Bay land purchases be laid on the table of the House. Mr. Ormond had been more desirous to alter the proofs than his colleagues were willing to allow the extent of the alterations to become known. Major Atkinson saw danger to "the character and privileges of every member" in Sir George Grey's proposition. Fox agreed with Major Atkinson. On the production of Mr. Ormond's alterations of his words, Mr Larnach moved a direct vote of want of confidence. There were rumours that the Opposition hoped to persuade Sir William Fitzherbert to quit the Speaker's chair and guide the destinies of the colony as Premier. Mr. Larnach in a few words charged the Government with mal-administration. Mr. McLean asked the Premier to "allow him as the weakest member of the Government" to reply to "one of the weakest

members of the Opposition" (Larnach). Mr. McLean maintained the character he claimed. He was confident of a majority, but by 42 votes against 38 the Ministry at last received its death-blow. Like those animals of low type of which the different organs can perform functions when an animating principle no longer pervades the whole, it had occupied the post of power under many mutilated forms. Headed by Fox in 1869, by Waterhouse in 1872, by Fox in 1873, then by Vogel; led afterwards successively by Dr. Pollen and Major Atkinson,—it had at last exhausted the resources of its type. It was supported in its last extremity by Mr. Fox and by Mr. Stafford. Mr. Larnach did not obtain the co-operation of the Speaker. It was rumoured that Sir William Fitzherbert could find no precedent for the step he was asked to take, and considered it unbecoming, unless in response to an unanimous or almost unanimous desire of members.

Sir George Grey was then appealed to, and on the 13th October, he, Mr. Larnach, Mr. Macandrew, and Mr. Sheehan, became members of the Executive Council. The ministerial offices were not distributed until the 15th, when Mr. Fisher, member for Heathcote, joined the new band. Sir George Grey was Premier. Colonel Whitmore had been asked to join, but after some consideration declined, undertaking at the same time to conduct the business in the Council until a responsible Minister, holding a seat there, might assume office. The gallant Colonel Brett resented such a lame representation of the Government of the country in the Council, and on his motion that body adjourned. On the following day he moved a similar resolution, and 25 votes against 1 (Captain Fraser) were recorded in its favour. On the 18th, Colonel Whitmore became Colonial Secretary, and explained the ministerial policy. The Ministry accepted loyally the abolition of the provincial system as an accomplished fact, and hoped "to localize a certain portion of the land fund." In the Council, where men did not toil to make or to mar Ministries, Colonel Whitmore's statements were received without dissent, and public business was proceeded with. It was otherwise in the Representative House. The tentacles which had been riven from place were sore, and the creatures to which they belonged were waving their invertebrate

members in search of the pleasant places of old attachment. Five days after Colonel Whitmore joined the Ministry Major Atkinson said that he had been elected leader of the Opposition, and would on the following day move that the "House has no confidence in the Government." Sir George Grey asked the Representatives to allow "one clear day" to the Government, so that they might make themselves "masters of the subjects" to be discussed, and on the 26th October, Major Atkinson conducted the assault. He denounced Sir George Grey's accession to power as a surprise. "It is perfectly certain and beyond dispute, that more gentlemen voted against the late Government than the actual majority which displaced them, who would not so have voted if they had believed that the honourable gentleman would succeed to power." He also declared that Sir George Grey's colleagues were not entitled to confidence. Mr. Reynolds, an Otago member, at once moved an amendment, that—"as the Government have not yet declared their policy this House declines in the mean time to entertain the question of confidence or no confidence in the Ministry." Sir George Grey, after declaiming upon the abstract advantages which would accrue to the colony, if not to the human race, by giving him an opportunity of applying his principles in Government, and after declaring, with an eye to the votes of Middle Island members, that he would have scorned to plunder the revenues of Canterbury and Otago as the Atkinson Ministry had plundered them, said: "Honourable members may try to ostracize me, . . . but every effort they make in that direction . . . will only endear me more to the people of this colony, and will ensure my speedy return to office if I am now driven from it."

There was a singular solution of continuity in the House. Mr. Reynolds, who stepped in to the rescue of the new Government, had voted to retain the Atkinson Ministry in office. Mr. Gisborne, who had voted with the majority which expelled Atkinson, supported Atkinson's proposition to expel Grey. He suspected that the new men would "generalize the land fund," and he would support no Ministry unless "colonial unity" were "in the foreground of their policy." Mr. Montgomery, as a supporter of the new Government, asked the House to give them a fair and constitutional opportunity to explain their



policy. Dr. Wallis and Mr. De Lautour spoke in their behalf. The debate was adjourned. When the House met again, Mr. Sheehan read a friendly telegram from the Maori king, inviting Sir George Grey to see him at Kopua. Mr. Shrimski supported the Ministry, having voted to eject Atkinson for misconduct of public affairs. Mr. Curtis, who had voted in like manner, said that with about ten other members who had also voted against Atkinson he had agreed to support Atkinson's motion. The "middle party" to which they belonged having swung too far in one direction, was resolved to show a balancing power by swinging equally far in another. Mr. J. E. Brown, a Middle Island member, consistently supported the Government. Mr. Sutton, the Heretaunga hero, as consistently opposed them. He descanted upon "political honour," and complained that the obstructiveness of the late Opposition had arrested the progress of business under Atkinson. Mr. Thomson defended and Mr. Fox attacked Sir George Grey. A baser policy than his "was never heard of, and it must result in inevitable ruin though it may lead to the temporary elevation of a demagogue." Mr. Ballance pointed out that if there was one member who should sympathize with Sir George Grey in advocacy of provincialism Mr. Fox was the man. How long had Fox advocated abolition? He had been the staunchest of provincialists. "In 1874 he was a provincialist; in 1874 Sir J. Vogel converted him in a single night, and now he stands forward as an ardent centralist." The chief Nahe deprecated "precipitate" censure of a Government "before its policy has been made known." Mr. Travers oscillated with the middle party members, who, having ejected Atkinson, wished to eject Grey. His sole desire was to prevent any interference with the unity of the colony "as a nation." Mr. Edward Wakefield vigorously answered Mr. Fox. Mr. Rowe feebly supported Major Atkinson. Again the debate was adjourned. Takamoana resumed it. It was well that Sir George Grey should control native affairs, which he understood. There would be trouble in the island if the Government should be overthrown. Captain Russell (from Napier) was "extremely sorry" to hear Takamoana's prediction. It was dangerous for one so versed in Maori affairs "to urge a violent course." A supporter of Major Atkinson, and confident of a majority, Captain

Russell asked why the House could not divide at once. "We were ready two days ago." Mr. Hodgkinson read to the House the address which in 1867 the Executive Council presented to Sir G. Grey. The man who was therein testified by Mr. Stafford to have made great sacrifices for the public good ought not to be degraded by comparison with such a pretender as Major Atkinson. Taiaroa grimly told the House that the site of the capital consorted with the wavering opinions of members. "It is a very good thing that the meetings of this Parliament are held in Wellington, because it is a windy place, and we hear the wind blowing about here every day. I liken the wind to the speeches of members. The winds blow from all quarters. So it is with the votes of honourable gentlemen; they are given this way to-day, and that to-morrow,—and another way the next day." Let the Government have trial for a year. Whatever Government might hold office, it ought to do justice to the Maoris, to redress their wrongs, to provide for their education, and for fairer representation in the Legislature. Tawiti agreed with Taiaroa that Maori grievances ought to be redressed, and said that constituents had telegraphed to him, requesting him to support Sir George Grey; but he had been a colleague of the late Ministry, and he must vote with Atkinson again, even though he might thus "die twice." He would tell his Maori friends who might dislike his vote, "You can turn me out! Disputes in Parliament prevented the doing of good." Mr. Bryce replied to Tawiti, and Mr. Bowen, one of the late Ministry, appealed to the House not to endanger the unity of the colony by supporting Sir George Grey. Votes had been counted, and it was believed that abolitionists, scenting danger, would drive Sir George Grey from a position in which he might insidiously damage the abolition policy. Mr. Rees made a bitter speech against the conspiracy to destroy the new Government, and against the private canvassing for votes resorted to by Atkinson and his friends. Again the debate was adjourned. On the 31st October, Mr. Larnach, the Treasurer, battled for his colleagues, and animadverted on Atkinson's "indecent haste to get back to office" without allowing his successor time to make a financial statement. Mr. Whitaker spoke at great length in favour of Atkinson—and of himself. Mr. Barff entreated the House not

to endanger peace in the North Island by annihilating the hopes engendered in the Maori mind by Sir George Grey's accession to power. Other members spoke, and again the debate was adjourned. Both sides laboured overtly and covertly to damage one another. The new Ministry could not decently complain, for they had while in opposition set the example of straining every privilege to the utmost in assaulting their enemies. On the 1st November, Mr. Stout interrupted the debate by raising a question of privilege. The Ministry had asked the Governor to call Mr. J. N. Wilson to the Upper House. The Marquis of Normanby declined to make the appointment "pending the decision of the Assembly" as to the support of the Ministry by "a majority of the House." Mr. Stout averred that the privileges of the House were involved. The manœuvre was successful. After a discussion whether the question involved the privileges of the House, the debate was adjourned, and on the following day, on the motion of Mr. Travers, a Select Committee was appointed to report upon the question. The Speaker was chairman. On the 3rd, the Committee reported that notice by the Crown of a matter in agitation in Parliament was an infringement of constitutional privilege, and Mr. Travers moved that the report be adopted. He wished that an address to the Governor should state that the infringement was inadvertent. Without further debate the resolution was adopted by 33 votes against 19. Fox, Atkinson, Ormond, and Whitaker were in the minority. The Governor without delay responded that as soon as he might receive the advice of his Ministers he would forward his reply to the address. Meanwhile the debate on Atkinson's motion was resumed, and was again adjourned. On the 6th November, the member who had moved the adjournment did not respond to the Speaker's call, the question was put, and voices were given. It was observed that some members of the Opposition were absent, and Mr. McLean, a recent colleague of Atkinson, rose to speak. The Speaker after a few minutes' delay interposed on the ground that as the Ayes and the Noes had been called for, the debate was at an end. Three ex-Ministers, Atkinson, Reid, and McLean, impetuously strove to arrest the putting of the question, but the Speaker was not brow-beaten, and 39 voters eyed their opponents from each side of the



House. To give "a further opportunity for the House to know its mind," the Speaker gave his casting vote with the Noes. Nettled at defeat, Atkinson attempted to move that "as the Government has not a majority it should immediately resign." It was argued, that he could not move an amendment on his own motion, but the Speaker ruled that an amendment on Mr. Reynolds' amendment became a new question. Atkinson abandoned his amendment, and Mr. McLean took it up. Points of order were raised by the friends of the Ministry. Mr. O'Rourke alleged that it was a parliamentary rule that substantially the same question could not twice be submitted in the session.. The fate of the Ministry was known to be involved, and Atkinson pleaded that one of his supporters who was unwell had been refused "a pair." Ill as he was he would have been present at the division if he had known that he would be prevented from pairing. "Under such circumstances" the Government ought not to remain in office. The Speaker ruled that the amendment was at variance with parliamentary usage, being not only substantially the same as the words rejected, but "repugnant to the very motion on which it was proposed as an amendment by way of addition." He guarded himself from declaring that no second motion of want of confidence could be moved in one session. Policy might be changed, and it was open to condemnation at any time. Before adjourning, the House without a division negatived the introduction of the words proposed by Mr. Reynolds. The word "that" remained on the paper.

Escaped from the snare of the fowler, the gasping Government proceeded with public business, eagerly watched by all dwellers in New Zealand. The fact that in the struggle temporarily postponed by the Speaker's vote, several members who had voted to expel Atkinson on the 8th October had within one month abandoned Grey, lent a dramatic interest to the scene which was heightened by other members, who, having striven to arrest Atkinson's fall, now deserted his standard for that of Grey. Atkinson canvassed so eagerly that Mr. Sheehan said in the House that if it had not been openly announced that Atkinson was leader, he would have "looked upon him as the principal Opposition whip." On the 8th November, Atkinson moved the

postponement of the Orders of the day with the view of proceeding with the remnant of the "want of confidence motion." Mr. O'Rorke, who as Chairman of Committees was versed in Parliamentary lore, promptly pointed out that, by the Standing Orders, on the resumption of the chair by the Speaker at half-past seven (as was the actual case) it was the "duty of the Speaker to direct the Clerk to read the Orders of the day without any question being put." Atkinson endeavoured to dispute. Before the Speaker gave his ruling Sir George Grey laid on the table the Governor's reply to the address of the Council on the moot question of privilege. An eager debate ensued as to the time which should be fixed for discussing the reply.<sup>1</sup> By 34 votes against 32 it was resolved to postpone the consideration of the Governor's message until the 12th, and the intervening days were deemed sufficient for his purpose by Atkinson, who had already asked for precedence for the want of confidence question. The Speaker then gave his ruling on the point raised by Mr. O'Rorke. Clearly, unless by general agreement to waive it, the course prescribed by the Standing Orders must be followed. Atkinson's proposition was out of order. The discomfited Atkinson gave notice that he would on the morrow move: "That this House has now no confidence in the Government." He wished to give his motion precedence, but the Speaker said it could "only come on in its order," unless the Government should give it priority. On the 9th November, when the Speaker directed that the Orders of the day should be read, Sir George Grey and Atkinson rose to speak. There were nearly three-score Orders on the paper, and Sir G. Grey wished to move that the consideration of the first (the "further consideration of the Land Bill" in Committee) be postponed until after the 6th. Long debate ensued on a point of order. The white race in New Zealand seemed to be infected with the quarrelsomeness which had been fatal to the Maori of old. Atkinson's hostile

<sup>1</sup> Mr. Travers piteously complained that he (who had moved the appointment of the Privilege Committee) had been used as a red-herring "dragged across the trail" to divert the House. It was "contemptible." Mr. Barff asked the Speaker if Travers was justified in calling himself a "red-herring." Travers replied: "I am justified in calling myself what I like, but I do not know what I should call the honourable gentleman if I spoke my mind."

resolution was to be moved when the first Order of the day was called on. Whether Sir G. Grey or Atkinson rose first was disputed, but the battle raged upon the competency of Atkinson to interpose with a contingent notice on a day devoted to Government business. Mr. Whitaker was positive in his favour. Mr. Sheehan and Mr. Ballance differed from Whitaker. All eyes were intent on the Speaker, when, after a short adjournment, he resumed the chair, and the debate on the point of order was resumed. At some length he expounded his views. A ruling was not scanned when there was an "amount of agreement, as it was upon an occasion when there is a considerable amount of temper in the House, and when the 'pound of flesh' and that only is insisted on. I understand that that is precisely the position just now." With an ordinary Order of the day the House could interfere, but only by certain methods. A case in England was cited to show that in order to obtain an early hearing in 1868, Mr. Gladstone proposed to suspend the Standing Orders with a view to postpone certain Orders of the day. It was possible, therefore, for the House by certain methods to adjust the order of business generally. But the "pound of flesh" being insisted on, the Speaker was compelled to rule that Atkinson's contingent motion could not be put: "Because when the first Order of the day is called on—that the Land Bill be further considered in Committee—I am bound to leave the chair without any question being put." Though the House had many late sittings the disappointed Atkinson never obtained an opportunity to gratify his thirst for revenge during the session, which lasted until the 10th December.

The privilege question of which Mr. Travers not unnaturally complained was a peculiar one. The Ministry advised the Governor to inform the House that his infringement of privilege was unintentional, and might be beneficial in establishing a precedent to be avoided. The Marquis requested them to reconsider their advice. They were constitutionally responsible to Parliament for his acts, not he. If his memorandum about Mr. Wilson contained any breach of privilege, it was a confidential document, and they were bound by their oaths to point out the fact to the Governor, who would "readily have reconsidered the answer he had given." The presentation of the



memorandum to Parliament was "solely on the advice of Sir George Grey in writing, and therefore Ministers were solely responsible." The Ministry, in reply, admitted responsibility for "acts done on their advice." Out of respect for him they "refrained from offering further advice" when their advice had been "twice rejected." They respectfully pointed out that the presentation of the memorandum, made by their advice, was not styled by the House a breach of privilege. They suggested a message in the following words: "The Governor has received the resolution of the House of Representatives, by which he is informed that he has inadvertently committed a breach of the privileges of that House. The House is constitutionally guardian of its own privileges. The Governor having now called Mr. Wilson to the Legislative Council in accordance with his promise to his advisers, does not think it will answer any useful purpose to discuss the question any further, but he will transmit the papers to the Secretary of State for the Colonies."

The Marquis did not choose to condemn himself in the language of others. He did not accept the limitation of responsibility claimed for themselves by the Ministry, "because if the act of the Governor is such that the Government cannot accept or defend it, it is their duty to resign, in order that the Governor may be able, if he can, to form a Government who would support his views, in which case he would have, of course, to justify his conduct to the Secretary of State, to whom alone he is responsible." In Mr. Wilson's case the Marquis concurred in thinking that the Ministry were not called upon to resign, but they accepted and were responsible for the Governor's act, and the question should then have been at rest unless they pressed further advice upon him. But the constitutional principle which he contended for—that Ministers, so long as they retain office, are alone responsible to Parliament for the acts of the Governor—was of such vital importance to the colony and to the position of a Governor that he would be recreant to his duty if he "did not try to the utmost of his power to have the matter finally and definitely settled." He was ready to assume that the Ministry did not see that his memorandum could be construed as a breach of privilege when they asked for its production. He would be sorry to impute to them "any intention

of entrapping him." He saw so little "necessity for producing the memorandum that he was on the point of refusing his consent, and only refrained from doing so because he did not like for the second time to refuse their advice." A question of privilege was immediately raised. "The Government by whose advice the papers were published, and who are his constitutional defenders in the House, either took part against him, or remained in silence, and refused him their assistance. The Governor was condemned unheard. . . ." Criminals received more consideration. He would forward all the papers to England, and begged Sir G. Grey to understand that he looked upon the matter as "political, not personal." The Ministry briefly answered that if the law were such that while a vote of want of confidence was pending the Governor could decline advice it would only "be necessary to raise successive votes of want of confidence in the Government to enable the Governor to act for long periods of time without responsible advisers." They protested against a reference to the Secretary of State, whom they designated as an "external authority." They had nothing to add to their former advice. The Governor replied that the Secretary of State was "the only constitutional channel through whom the commands of the Crown are conveyed," and as he at any rate felt "bound to obey the command of Her Majesty," he would submit the case, as already announced, and would lay the papers at once before the House. In a message to the House he repeated his constitutional reason for not accepting their resolution, but assured them that "nothing was further from his intention than "in any way to trench upon their privileges."

The first debate on the Governor's message has been mentioned. On its resumption on the 12th, it was obvious that not the Governor—not the constitution of New Zealand—but the prospect of retaining or storming the Ministerial benches actuated most of the speakers. Atkinson moved the adjournment of the debate for a week. Mr. Stout, who first invited attention to the question of privilege, Mr. Travers, who moved for the Select Committee, Mr. Sheehan, Sir G. Grey, and others, took part. Mr. Travers sided with Atkinson, and by 38 votes against 37 it was resolved to adjourn the debate, but an endeavour to fix the time was unsuccessful. There was a suggestion

that the previous question should be moved. An amendment moved by Mr. Gisborne to abbreviate the adjournment was rejected by a majority of one, when Mr. Shrimski (a supporter of Sir G. Grey) moved the adjournment of the House, which was agreed to after midnight, and the privilege question was shelved.

The Governor's despatch to the Secretary of State was published (June, 1878) in the colony with Earl Carnarvon's reply. The Earl unhesitatingly approved the Governor's construction of the duties constitutionally imposed upon him. Sir G. Grey was ever copious in producing memoranda. On the 14th November, he formulated a demand for a dissolution, assigning reasons and citing many authorities of greater or less relevancy. The Marquis of Normanby was unconvinced. He thought difficulty might be averted otherwise than by a dissolution. There was no evidence in favour of Sir G. Grey's opinion that an appeal to the electors would secure a large working majority for the Ministry. As far as the Governor was aware no supply had been granted, and though such a condition involved no difficulty in England, because Parliament there "uniformly voted the supplies necessary for an appeal to the country," in the colonies the case was otherwise. He reminded Sir G. Grey that in October he had said that if a dissolution were accorded to him he would dissolve with or without supply. The Marquis could not grant a dissolution. If, however, Sir G. Grey could satisfy him that three months' supply had been granted, he would be "happy to reconsider his determination." Sir G. Grey admitted that he might have said that if "duty demanded it, he would dissolve without supply," but urged that throughout his conversation he "unflinchingly maintained that it was in his belief impossible that such a case as the Governor put could arise" in New Zealand. The Governor regretted "that there should be the slightest discrepancy between the impression left" on his mind and on that of Sir G. Grey, and was, "of course, quite ready to admit that he must have misunderstood what Sir G. Grey said. Notwithstanding this, he must still adhere to the decision he has expressed as regards a dissolution."

After three days the Ministry returned to the assault, on the day (19th November) on which their Treasurer was to make his financial statement. Money due in London had to be provided



before the first of February. If Parliament were aware that a dissolution would be granted, it would, in the opinion of the Ministry, "unhesitatingly" provide needful funds. The Ministers ventured to think the Governor was mistaken in deeming the power of dissolution "a prerogative of the Crown" in New Zealand. It was derived from the Constitution Act. Ministers claimed for themselves, for the Representatives, and for the people of New Zealand, the same rights which existed in England, and therefore respectfully maintained their constitutional right to a dissolution unfettered by any condition with regard to supply. In a separate memorandum, Sir G. Grey argued that the Governor's expressed "desire to secure a Government, no matter how constituted," commanding the confidence of a majority in the House, would be destructive of the principle of party government deliberately adopted by the people. The Marquis briefly replied that the Constitution Act, without mention of an Executive Council, empowered the Governor to dissolve, and that his commission from the Queen delegated to him the Royal powers of summoning, proroguing, and dissolving the legislative body. He could not admit that Ministers had the unqualified rights they claimed. On the 21st November, they "felt it their duty to point out the mistakes into which they cannot but think the Governor has fallen." They discussed the abstract ideas of a Privy Council, a Cabinet, and an Executive Council. The Governor felt bound respectfully but distinctly to decline for the future "to enter into any controversy or discussion of a general or abstract character, regarding his constitutional position, his responsibilities, or his duties." On all occasions he would give most attentive and favourable consideration to any particular matter on which he might receive advice. Ministers, of course, had an undoubted right to complain of any act they might think "illegal, unconstitutional, or wrong," and he would at all times forward such complaints to England with any necessary explanation. The Ministry (who had just been permitted to go into Committee on Supply) answered, on the 23rd November, that they had regarded the questions raised as practical, not abstract, points, the maintenance of which was essential to the welfare of the colony.

By one of those involutions which entangle men's reasoning

faculties when self-interests are at stake, the Ministers thought, or affected to think, that the prerogative of the Crown in dismissing Representatives of the people was really one of the rights of the Representatives. The Governor was hardly called upon to controvert such allegations. Meanwhile Mr. Sheehan (15th November) made a statement on native affairs which was well received by the House. The Treasurer's financial statement (20th November) was also applauded. Mr. Ormond, whose intemperance conduced to the downfall of the Atkinson Ministry, contributed, on the 22nd November, to strengthen their successors by making unfounded charges which induced the House to declare its regret and to direct the withdrawal of the words used. The Ministry waxed bolder. They pressed the Governor (26th November) to waive his objections to a dissolution. Delay added greatly to their difficulties. He courteously but firmly held his ground. He was at all times willing to consider the subject under any new light thrown upon it; but could not, under existing circumstances, alter his decision. An unreserving promise to dissolve would put undue pressure upon Parliament, which he felt bound to avoid. The Ministry threaded their way through the parliamentary labyrinth, adroitly shunning the blow which Atkinson longed to deliver. Their Financial Arrangements Bill was so planned and so commended by Sir G. Grey's eloquence, on the 3rd December, as to command 41 votes against 13. Twenty members paired. Among them were Stafford, Moorhouse, Travers, and Cox. Atkinson voted for the Bill, while three of his recent colleagues, McLean, Bowen, and Reid, opposed it. The majority of the House had plainly determined to support the policy of the new men during the current session. On the 6th December, the Ministry again pressed the Governor for power to dissolve. On the same day he declined to accord it. Frequent dissolutions, tending, in the words of the great Sir Robert Peel, to blunt the edge of "a great instrument in the hands of the Crown," were to be avoided. The Marquis did not wish to deny that in matters not affecting Imperial interests Ministers had similar rights to those of English Ministers, but he did "not believe that under similar circumstances a Minister in England would ask for a dissolution."

The "Memorandummiad" of New Zealand was galvanized

into its former activity by Sir G. Grey's accession to office. Sir William Jervois, the Governor of South Australia, had undertaken to examine and report upon the defences of the colonies of the south. With a curtness that implied intentional rudeness, Sir G. Grey and his colleagues, when asked if the Government steamer 'Hinemoa' could convey Sir W. Jervois to New Zealand, replied that the 'Hinemoa,' being required on the spot, was unavailable. It was at the request of the Atkinson Government that Sir W. Jervois had consented to visit New Zealand, and small jealousy induced the new Ministry to throw obstacles in his way. The Governor asked for something more practical than a mere refusal to employ the 'Hinemoa'; and Sir G. Grey then pleaded the necessity to avoid expenditure which New Zealand could not incur, as it might, "possibly with but little warning, have to make provision for resisting an internal enemy, who might prove much more dangerous than any external foe." The Ministry requested that Sir W. Jervois' visit might be postponed. The Governor reluctantly acquiesced, but caused the correspondence to be forthwith presented to the Assembly.

It may be well to notice here the result of the memoranda which thus passed between the Marquis of Normandy and his advisers. As to the calling of Mr. Wilson to the Legislative Council, it has been seen that Lord Carnarvon commended the Governor's conduct. As to the dissolution of the Assembly, Sir Michael Hicks Beach, who (4th February, 1878) succeeded Earl Carnarvon as Colonial Secretary, supported the Marquis. A Governor ought "to pay the greatest attention" to the representations of his advisers, "but if he should feel bound to take the responsibility of not following his Ministers' recommendation, there can, I apprehend, be no doubt that both law and practice empower him to do so." Sir G. Grey's views seemed "unduly to limit the prerogative of the Crown." There was a further important point on which it would have been difficult for even the weakest functionary to fail to support the Governor. When the session was about to end, leaving Sir G. Grey in power on the 10th December, Sir G. Grey advised that a Land Bill, then ready for the Royal Assent, should not be assented to. Introduced by the Atkinson Government in



August, it was before the Committee of the whole House when that Government fell. There were many divisions in the Committee, some of which had no party bearing, though the Atkinson party generally prevailed. On the 15th October, Sir G. Grey included it in a list of Bills which his Ministry would take up. In Committee there were divisions in which Whitaker and Taiaroa were found voting with Atkinson and Reynolds, against Larnach and Mr. Stout. There was a division on the 19th November in which Atkinson, with the aid of Stafford, Whitaker, Rolleston, and others, foiled by one vote a proposition made by Mr. Stout and supported by Sir G. Grey. But Mr. Reid, a supporter of Atkinson, on that occasion voted with Sir G. Grey, and Mr. Larnach, Grey's Treasurer, voted against him. On the 29th November, in another division Sir G. Grey was outvoted by the same narrow majority; his Treasurer, Mr. Larnach, sufficing to turn the scale. Colonel Whitmore, the Colonial Secretary, took up the Bill officially in the Council, and was allowed, on the 30th November, to suspend the Standing Orders to facilitate its progress. It was passed with amendments with some of which the Representatives declined to concur. Reasons were prepared by Messrs. Stout, Ballance, and Reid for insisting on certain provisions. Stout and Ballance were known supporters of Sir G. Grey. The House adopted the reasons. The Council waived some amendments, but insisted on one extending for a year certain licenses in Southland, on the ground that the plague of rabbits entitled the licensees to consideration. The Representatives still disagreed with the Council. The same Committee prepared reasons. The Council asked for a free conference, which was held. A report from the conference was adopted by both Houses, and the Bill thus hammered on the anvil awaited only (in the words of Lord Hale) the Royal Assent to give it "the complement and perfection of a law." Conceived by the Atkinson Ministry, duly produced in the House, adopted and nursed to maturity by Sir G. Grey and his colleagues, the subject of conference between the two Houses,—the Bill might be looked on as the true offspring of the New Zealand Assembly. Yet this Bill Sir G. Grey strove to strangle. There was an Executive Council meeting at half-past twelve o'clock on the day fixed for

prorogation at half-past two. Many members of the Legislature had gone to their homes. At that meeting Sir G. Grey advised the Governor to refuse to assent to the Bill. The Governor declined to do so. The Clerk of the Parliaments, after the Executive Council meeting was concluded, carried several Bills to the Governor, who observed that, with regard to the Land Bill, Sir G. Grey had not attached his name to the customary recommendation for assent. The Marquis determined neither to veto the Bill nor to assent to it in an unusual manner. The hour of prorogation drew near. The Speaker arrived with the Appropriation Bill. That lever of the House of Commons against the Crown became an instrument in the hands of the Crown to foil the strange device of a Colonial Minister bent upon thwarting the two Houses and putting the Governor in an unworthy position. The Marquis requested the Speaker to retain the Appropriation Bill, while Mr. Macandrew, a Minister, carried a memorandum from the Marquis to Sir G. Grey. After some delay Mr. Macandrew procured from Sir G. Grey the usual recommendation for assent, and the Bill was signed by the Governor. Sir Michael Hicks Beach laconically said: "I approve the action taken by you in declining under the circumstances which you record to refuse your assent to the Land Act of the last session of the New Zealand Parliament."

It may be well to anticipate events in order to obtain a comprehensive eye-glance. When the approval of the Secretary of State reached him the Governor communicated it to his Ministers. The hero of the "Memorandummiad" responded in his usual manner at great length. He railed at the Secretary of State as an "exterior authority" unknown to New Zealand law. He declared, in terms which the difference between the Lord Stanley of 1843 and the Duke of Newcastle of 1860 ought to have made impossible for him to use, that it had "long been universally admitted that in the Colonial Department the real power vests in the permanent Under-Secretary." With much subtlety he spun webs of words to enfold his frail premises. He declared that the Governor was making his Ministers not advisers but servants, when he submitted constitutional questions to the Secretary of State without their advice, and then commanded the correspondence to be published. He would

not consent that his conduct in relation to the Assembly or to the Governor should be submitted to the Secretary of State, whose decision upon it he would not "recognize or accept." He would not discuss New Zealand questions "with any officer who is outside the Constitution, or who has no responsibility in the matter, or who has no lawful right to interfere with it."

So far as subsequent misdoing could justify former ill-usage, Sir G. Grey laboured to indemnify the Duke of Newcastle and Earls Carnarvon and Granville for the past. His complaints against them were on the ground that they would not do their duty. He now contended that a Secretary of State had no duty to do. The Marquis declined to discuss the "position or authority" of a Secretary of State. Such an argument was "too serious to the future interests of the colony to be dealt with in a correspondence of this kind." He remarked that Sir G. Grey had in 1876 invoked the authority of the Secretary of State with regard to the abolition of the provinces. He was ready to admit that correspondence which in any way might commit Ministers "should be done by their advice and at their instigation." But the Governor had asked the Secretary of State for decision on his own action. A Governor had "certain rights and duties to perform." He was "as much a part of the Constitution as either branch of the Legislature." "While he has no wish to trench in the slightest degree upon the rights and privileges of the other branches of the Constitution, he is bound to preserve intact those which have been entrusted to his care by his Sovereign. Should the Governor exceed his powers or commit any action to which exception can justly be taken an appeal is at all times open to the Secretary of State; but the Governor cannot admit his responsibility to any other authority." In a lengthy memorandum Sir G. Grey endeavoured to controvert the arguments of the Governor. He railed in ill-set terms. He averred that the Secretary of State was "the constitutional adviser, not the mouthpiece of the Sovereign," but did not show how the Crown prerogatives could be exercised without a channel of communication. The Governor declined to make any remarks upon Sir G. Grey's paper, on the ground that "no public advantage could be derived by a prolongation of the correspondence." The despatches and all the



memoranda were published in the 'New Zealand Gazette' in June 1878. It is necessary to recur to the session of 1877. The financial proposals of the Government secured its position, to the disgust of those supporters of abolition who had clung to the hope that local revenues would be locally appropriated after "local habitation and name" had become an "airy nothing" under the treatment of Atkinson and Vogel. They had been warned in vain. They were now punished. The Grey Government had no difficulty in showing that the provincial land funds had been so encroached upon by their predecessors that "the idea that a large proportion was available for localization was a delusion." The Government would, by law, appropriate locally 20 per cent. of the land revenue in each provincial district, and would ask Parliament to pass a land law fixing uniform prices throughout the colony. They would ask for a new loan of £4,000,000 rather than increase taxation: but would consider that subject in the recess. They found a deficiency of more than £700,000 on the 30th June, and would endeavour "to secure a state of equilibrium." Such was Mr Larnach's statement on the 19th November. Major Atkinson disputed it. The short sight of these Representatives from Otago and Canterbury, who had thought to procure abolition of provinces without loss of provincial funds, was apparent on all sides. The two provinces which, by adhering to Gibbon Wakefield's principles, had accumulated wealth, were about to be plundered, not by ministerial rapine as under Vogel and Atkinson, but by legislation under a provincialist champion. Mr. McLean (member for Waikouati near Dunedin), as a southern member and a recent colleague of Atkinson, inveighed against the evil proposition. He threatened Mr. Macandrew, the new Minister of Lands, with loss of popularity in Dunedin. "Depend upon it the people of Otago will not be robbed with impunity." The Government under the plea of extricating the country from embarrassment were "perpetrating a robbery on the Middle Island." The first serious defection from the Opposition was on the 22nd November. Mr. Gisborne declared that, thinking the Grey Ministry "a standing menace to the unity of the colony," he had been hostile to it. The financial propositions justified him in opposing it no longer. The irritated Mr. Reid was not

so placable. He, after violent hostility to the Atkinson Ministry, had become their colleague. He now bemoaned the lack of consistency which had brought the members of the new Government together. The proposal to "seize the land revenue of the Middle Island would receive his most strenuous opposition at every turn." He metaphorically gnashed his teeth at the artifices by which the Government had escaped the wrath of Atkinson's friends on the thwarted motion of want of confidence. Mr. Stout answered that if Mr. Reid had not formerly "betrayed his party and gone over to the Government, we might have been able to dictate our own policy. . . . And now he wails over what has happened!" Mr. Ormond made charges against Sir George Grey which the House compelled him to withdraw; yet even he, pleased as a North Island man with the prospect of plundering the Middle Island, announced that he would support the Government in "generalization of the land fund, and, when that was carried," strive to eject them. The Financial Arrangements Bill which dissolved the Opposition was read a second time on the 3rd December, Sir George Grey, in the absence of the Treasurer, commending it to the House. It was broadly stated in a newspaper that as Canterbury had divided land revenues amounting to more than three-quarters of a million sterling amongst its local bodies in a part of the year "it was high time to make a change, but of course Canterbury does not like it." Atkinson, the promoter of abolition, though he spoke against the Ministry, voted for the Bill. Grey, the opponent of abolition, thus consummated it when in office. The men of Canterbury who had been potent in procuring abolition cried out in vain when confronted with its consequences. By 41 votes to 13 the second reading was carried. It made the land fund throughout New Zealand a part of the consolidated fund. It enacted that out of the latter there should be paid to each county a sum equal to 20 per cent. of the land revenue accruing in such county. Mr. Fox was absent when the death-blow of his "compact of 1856" was thus dealt. When the Bill went to the Legislative Council, Mr. Hall, who had been Fox's colleague in 1856, was unable to restrain his feelings. The measure constituted (he said) "a breach of the compact solemnly entered into between one portion of the colony and another

in 1856. In Canterbury by selling 2,331,000 acres on Gibbon Wakefield's principles £3,671,000 had been obtained. In Otago in similar manner for about 2,000,000 of acres, £1,807,000; while by neglect of those principles Auckland for 2,144,000 acres had obtained only £274,000. Was it fair to rob the south of the advantages which its prudent management was intended to secure? Mr. Hall might as well have questioned with the wolf. By 22 votes against 5 the Council passed the Bill. A Crown Land Sales Bill regulated the price of land throughout New Zealand. Lands taken under free selection were in no case to be obtained at a less price than £2 an acre. The upset price at auction was not to be less than £1 an acre. The Waste Lands Board in a land district was to have power to increase the upset price of lands of special value. A bulky Bill for regulating the sale and disposal of land was introduced by Mr. Reid early in September. Sir George Grey in October promised to take it up. In what manner he took it up was shown by his advice to the Marquis of Normanby at the end of the session. It established ten land districts (four of which were in the North Island) with a Board of Commissioners in each, all of whom were to be appointed and removable by the Governor. From the decision of the Boards there was an appeal to the Supreme Court. It classified all lands as town, suburban, or rural. The first were to be sold by auction at not less than £30; the second in like manner at not less than £3 an acre. Rural lands were not to be sold in larger quantities than 320 acres, nor in less than 20. Land would be taken on deferred payments in proclaimed areas. The New Zealand Government thus avoided the profligacy by which in portions of Australia the selection of land was converted into an engine for at once robbing the public treasury, and for levying black-mail upon the pastoral tenants of the Crown. The New Zealand Legislature avoided another evil created by the land laws of New South Wales (1861), and Victoria (1862), where if more applicants than one selected the same site, the land agent was to determine by lot the fate of the site. If there were more applications than one for the same allotment on the same day in New Zealand, the land was to be put up to auction, at which the bidding was limited to the applicants. Corruption or favouritism could thus be excluded,



and the public derived benefit from an increase in price. There were conditions imposing cultivation and personal residence, and after six years of deferred payments and compliance with all conditions the selector was to be entitled to a Crown grant. The old provincial arrangements were not altogether abandoned. The ten new land districts were bound to certain conditions embodied in the Act. Canterbury gave land by free selection before survey at forty shillings an acre; and on deferred payments demanded prices ranging from £3 to £10 an acre in different localities. Otago had an upset price of twenty shillings an acre, but allowed free selection also. Southland demanded twenty shillings an acre for pastoral land, and, according to situation, prices ranging from £1 upwards for rural lands. Nelson had an upset price of from ten to forty shillings an acre, to be fixed by the Land Board of the Nelson land district. Taranaki had an upset price of not less than twenty shillings for bush land, and not less than forty for open land. Lands were to be offered to selectors in specified areas at the same rates. In Hawke's Bay, Wellington, Westland, and Marlborough, there were various prices, but the upset price was about twenty shillings an acre (sometimes by selection). Auckland could not abandon her peculiarities. Her rural lands were to be divided into three classes; for which under various restrictions, fifteen, ten, and five shillings an acre were to be paid. It will be easily understood that a point of such vital importance as the alienation of the public estate, and the absorption into the general treasury of that which had previously been provincial wealth, was keenly discussed. No less than 56 general and provincial Acts were swept away by the comprehensive measure of 1877. The pastoral lessees of Crown lands (or run-holders, as they were called) were animadverted upon, and Sir George Grey and his more ardent friends declared that undue advantages were conferred by the Bill. The rent of the run was, however, after 1st May, 1880, to be determined by the Land Board of the district, within a range of a maximum of two shillings and a minimum of ninepence for each sheep, and a maximum of ten and minimum of four shillings for cattle—the Board, and not the lessee, determining the carrying capacity of the run. In Otago also the Board had vast powers over the lessees. These

districts were specially legislated for. There were general provisions for other parts of the colony. The Act was matured with great labour, and only an intolerance of other men's opinions could induce Sir George Grey to endeavour to stifle it in the irregular manner already described. The acrimony with which he strove to create class hatred deserves a harsher name. There was a Government Native Land Purchases Act which deserves mention. It will be remembered that in August the Atkinson Government withdrew their Native Land Court Bill under pressure. Major Atkinson intimated that a Bill would be introduced to stop all private dealings with native lands "until after the close of the next session of Parliament." He brought in the Bill on the 6th September, but it did not reach a second reading. Its author expressed his regret when, after his Ministry fell, the Bill was by the order of the House discharged from the paper on the motion of the new Native Minister, Mr. Sheehan, on the 28th November. On the 15th, Mr. Sheehan expounded the native policy of the Grey Government. Mr. Fox had sneeringly speculated concerning the native policy which might be expected from one who as a Maori advocate in the Supreme Court had inaugurated "a system of repudiation" at Hawke's Bay. The exposure of frauds practised against Maoris was thus designated by Mr. Fox, himself a lawyer. Mr. Sheehan defended his position, both as counsel and otherwise, before he enlarged upon native affairs. He deplored the past wars as unnecessary and costly. He declared that "sinking all party feeling, forgetting all past differences, it would be unfair to deny that to Sir Donald McLean we are largely indebted for the fact that from 1869 up to the present time we have been at peace with the native people. . . . I hold that on entering upon the immigration and public works policy it would have been an act of suicide to have provoked or sought for a native disturbance." There were few natives not loyal to the Queen. Less than 3000 Maori men were "in the king country," and though Maori women could fight, the fact that "we have 25,000 or 30,000 loyal natives on our side showed that the chances of a native outbreak are simply nil." He deemed the £3,200,000 already spent by the colony in putting down native disturbances as "simply thrown away." He

approved the policy of teaching the English language to the Maoris which McLean had encouraged; and proposed to increase the sum, £11,000, placed on the estimates of the year. He did not approve the manner in which land purchases from Maoris had been effected by the Government. The official return of land negotiated for (after 1870), was—freehold, 4,613,000 acres; leasehold, 1,540,000,—but “of the freehold transactions only 1,967,000 acres have been completed” . . . and “at least in regard to one-third of (them) it will be found that the titles are invalid, and it will require more money to be paid away and other acts to be done in order to make those titles good.” More money was needed, but as private speculators could afford to give higher prices than could the Government, the task was surrounded with difficulty. He proposed to enable trustees for minors to dispose of the interests of Maori children in lands, and (with the same fatal denial of Maori rights which tainted almost every proposition with regard to their lands) he intended to abrogate the joint Maori tenure by handing back to unwilling persons so much “land as will represent their interests.” It was intended that no agent for Government should become a trafficker with natives for their land. He proposed that native chiefs should ascertain the native titles, and that the European Judges should be “simply for legal purposes only.” He regretted the abandonment of the pre-emptive right of the Crown in 1862, but the step could not be retraced. He wished to raise the number of Maori members in the House from four to seven, hoping that after some years, “by the operation of a suitable land law and by the conversion of native titles to a freehold tenure under Crown grant, we could call upon them to give up all special representation of the race and to vote as Europeans do.” With regard to the dual vote which Maoris would exercise, he broadly stated that it was almost inoperative—such votes being “not more than 5 per cent. of the whole” although the proportion of Maoris to Europeans was very much larger. He took credit for the influence of Sir George Grey which had elicited friendly missives from Tawhiao. His statement was favourably received. On the 30th November, he carried without a division the second reading of a Bill to put an end to the system of purchasing land on commission, and at the same time



to establish prior rights of the Crown and exclude private buyers with regard to all lands concerning which negotiations for purchase had been entered upon, whether such lands had or had not passed through the Land Court. By notification in the 'Gazette' the Government could relinquish their priority, and lands in question would cease to be subject to the Act. With additions moved in Committee by Mr. Sheehan to prevent registration of any private transactions conflicting with the Bill, the third reading took place on the same day as the second. The Bill passed in the Council with equal facility. On the 4th October, Mr. Rees (then in opposition to the Atkinson Ministry) carried the second reading of a Bill to amend the native Land Act of 1873. His object was "to enable Europeans to pay money safely to native owners, and to give native owners a right and title for the purpose of receiving rent and to sue for an equal share unless they had made arrangements for one or two grantees to receive all to distribute amongst the whole. . . . He might say that he had made one clause retrospective for the purpose of enabling those who had not been paid rents hitherto to sue for them. Of course that was only right." Thus thought Mr. Rees. The reader will not be surprised to find that the hero of the Heretaunga lease and purchase did not agree with Mr. Rees. Retrospective legislation, as he truly said, was bad. He did not perceive that an Act which merely prevented consummation of past fraud was not open to the condemnation which clings to retrospective legislation in the abstract. He saw another blot in the Bill. "It kept open the rights of persons who had not signed the leases. . . . It opened the door, which was already wide enough, to incessant litigation." Taiaroa was "not quite clear as to the meaning of the Bill," and asked that it might be referred to the Native Affairs Committee. Mr. Rees consented. On the 26th October, the Committee reported that the existing state of the law in reference to the leasing of native lands was unsatisfactory, that it was "very uncertain whether the remedy proposed" would improve it, "while on the contrary it might be productive of injustice to individuals."

Mr. Rees' Bill having lapsed, and the Grey Ministry being in power, Mr. Sheehan introduced a short Bill "to amend the

Native Land Act, 1873," which passed through both Houses without discussion. One of its provisions may have been necessary, but it was capable of being rendered oppressive. The reader may remember that Dr. Pollen complained that a chief was robbed of an estate of 30,000 acres, on which, having no cash (as was the custom of Maoris), he could not pay the survey-fees, to liquidate which the land was seized. It may be remembered also that one of the Maori complaints was, that unwilling Maoris were dragged into Court to defend their tribal rights which others were willing to traffic upon. The Act so easily passed enabled the Land Court to award costs, provided for their recovery, and gave the Court power to order a deposit as security for costs, and to refuse to proceed with a case, or "hear any person who does not comply with such order." The Native Minister was empowered "at any time" to obtain from the Court a determination of the "interest in any block of land . . . acquired by or on behalf of Her Majesty," and all lands declared by an order of the Court to have been acquired were, from the date of the order, to be "absolutely vested in her said Majesty." Whether the Maoris in the Legislature could have qualified the measure by guarding the rights of their countrymen unwilling to submit joint tribal rights to the Court it is impossible to say. Perhaps they trusted that Sir George Grey and Mr. Sheehan would not abuse or strain the law. The chief, Rangihwinui, and others, petitioned for postponement of the Bill in vain. One portion of it, which provided that costs might be awarded and recovered against the Crown, was tempting to the cupidity of the Maoris, which often far outweighed their astuteness in dealing with men of the class of Sutton and Tanner, or the more powerful Ormond and Whitaker.

In 1877 there was an item on the estimates—"In final settlement of native claims to Dunedin Prince's Street reserves, £5000." The Native Affairs Committee reported on a petition from Tairaroa in November, 1877. He asked, on behalf of his people, for the accrued rents, £6000 with interest, at the time when the Governor signed the wrongful grant. It was thought that two Ministers, Stafford and J. C. Richmond, were present when the grant was signed. Sir George Grey and Mr. Stafford were examined. The wrong done could not be denied, but the

simple remedy of revocation, if need were, by legislation, was not even glanced at. Stafford was pointedly asked by Taiaroa: "Supposing that there were rents paid and accrued on account of that land before the day of the issue of the grant, to whom do you think those rents should belong—to the Superintendent in whose favour the grant was made, or to the natives?—I should think that would very much depend upon the nature of the terms that were agreed to as a compromise in regard to the reserve in question. . . . In reference to the Crown grant, if you had known at the time that it was the Crown grant for the Prince's Street reserve that was about to be signed, what would you have done? Would you have stopped the signature of it?" (Whether Mr. Stafford doubted the credulity of Taiaroa and others, it may be difficult to pronounce. Some ill-angel made him shuffle as if he dared not answer plainly. He said): "I intended to refer the question to Parliament, and to be guided by its opinion whether the grant should issue or not." "Were you ever aware that that land was originally recommended by Mr. Mantell to be reserved for the natives, and the recommendation approved by the Governor?—I could not say now. I had heard and read the evidence . . . but I could not at this moment remember exactly the details of it." Remembering that Mr. Stafford knew the site of the reserve, that he was a member of the Select Committee which recommended the robbery, and that he was the Minister who submitted the wrongful grant for the Governor's signature after calling upon the Superintendent of Otago to specify particularly the "subject of the trust," one might almost desire to be the countryman of Taiaroa rather than of Stafford, if the honour of Mr. Mantell had not redeemed the name of Englishmen. It will be remembered that at the Native Land Court at Dunedin, in 1868, the Judge refused to inquire into the matter, and referred the Maoris to the Supreme Court. The wealthy Otago province hoped to exhaust in that arena the unmonied chieftain. The province demurred to the declaration which set forth the *scire facias*, and Judge Ward at Dunedin "held the declaration to be bad."<sup>1</sup> The Court of Appeal, consisting of Chief J. Arney, and

<sup>1</sup> Macandrew's demurrer was voluminous and varied. One of the Queen's pleas was said to be "bad as being an argumentative traverse of the allega-



Justices Johnston, Gresson, C. W. Richmond, and Ward, heard Messrs. J. G. Allan and Izard for "The Queen, plaintiff in error, against James Macandrew, defendant in error," who was represented by three learned counsel, at Wellington. Lengthy arguments, entirely confined to technical points, may be found in Mr. A. Mackay's 'Compendium,' but are idle as to the justice of the case. The treaty of Waitangi,—the foundation of English power in the land;—and the good faith of the Queen;—even the law of the land;—found no foothold. Taiaroa's counsel averred without contradiction that the judgment of the Court below held that "the agreement was not good as not being properly set out, and that the reserves were not properly made because they were contrary to the Royal Instructions of 1846." Macandrew's counsel complained that the Maoris had not shown whence the Governor derived a power to make reserves, or that any natives were yet living whom the reserve could benefit. The treaty of Waitangi and the Instructions to Governor Hobson and his successors might have answered the first complaint, and the presence of Patuki and Taiaroa was sufficient answer to the second. Though the nefarious Instructions of Earl Grey were, as regarded their main object, nipped in the bud both in England and in the colony, and were superseded by the Constitution Act of 1852, Macandrew's counsel framed intricate arguments upon them. It was sought to show that any enabling provisions in them respecting reservations of land were repealed by later Instructions in 1850. On the part of the Queen it was contended that the reserve was "duly" made, but the Court yielded to the arguments of the powerful Otago province, and held that the "declaration was bad." The Chief Justice said it was "defective in regard to the making

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tion . . . that the grant . . . was made by mistake." Macandrew complained that the declaration did "not allege or disclose any act of fraud, deceit, misrepresentation, or other misconduct on the part of defendant, or any other person acting on his part, which led to the issue of the Crown grant." (This complaint these pages have remedied.) It was urged (though the motive of such a complaint is not easily discovered) that "the declaration does not show or allege that the alleged mistake was a mutual one." (The Maoris were certainly without knowledge of the circumstances. Patuki's petition to the Queen complained that he and his tribe were unwarned.)

of the reserves, and that defect is not aided by the general allegation that the reserve was 'duly' made, nor does it show that it was impressed with a trust. These are mere allegations in law and no more. Then it is said that the defect is cured by the pleading over. That might be the case if in the pleas there was any express averment that supplied the defects, but I fail to find any such averment." Judges Johnston, Ward, and Gresson concurred. Judge (C. W.) Richmond said, though "the Court had necessarily assumed that the power of the Governor . . . to make such reserves depended upon the Instructions of 1846, I believe I express the opinion of the whole Court when I say, that although we have necessarily pressed upon that point, we have in the course of the argument of which we could take no notice, felt that the Royal Instructions of 1846 did not regulate the matter. But we are obliged to consider the declaration upon the assumption that the Governor's power in the matter would be derived from those Instructions. There is no allegation upon the face of the declaration showing that the lands in contest formed part of the Otago block. . . ." Mr. Allan had pleaded for the Queen that the grant to Macandrew was signed by mistake, that the Governor, "not intending to grant, granted. That, I say, clearly upsets the grant. . . . As the declaration is put before the Court, there is enough to upset their deed, whether I show that this reserve is made validly or not. It was never intended to give this land to the people of Otago; but by mistake it was given, and therefore the grant which gave it was invalid." On this point the Court said not a word. Thwarted in seeking justice on the merits of their case in New Zealand, the Maoris resorted nearer to the throne. Mr. Mantell with Mr. Izard petitioned for a hearing before the Privy Council. It was accorded. Taiaroa journeyed to Wellington to consult about requisite funds. He asked other natives to allow a thousand pounds to be taken out of a Greymouth reserve fund, and they consented. Other natives subscribed funds, which were significantly lodged to the credit of the "Naboth's Vineyard Account."<sup>1</sup> The appeal was in progress in 1872, when Mr. Vogel seems to have had qualms about the result, or about exposure in England of the manner

<sup>1</sup> Letter from Mr. Mantell to Patuki. N. Z. P. P., 1877; I. 3, B.

in which faith was kept by New Zealand Governments. Not Maori suffering, but taint upon colonial credit, aroused his sensibilities. It was possible that if the Privy Council should have before it the fraud practised at Dunedin, a decree might be based upon that treaty which Sir Robert Peel and Mr. Gladstone called the corner-stone of English power in New Zealand, but which all Colonial Ministries had sedulously kept out of sight in local Courts.

Macandrew sounded Taiaroa during the session of 1872, and suggested a compromise, on the ground that success for either side was doubtful. Taiaroa would not stay the proceedings. Afterwards Macandrew submitted a document to the chief at Otago, but he would not sign it; and preferred to abide by the recommendations of Mr. Mantell and Izard, who were to negotiate with Vogel as Macandrew's agent:—Vogel having recently resumed office after the expulsion of Stafford in October, 1872. Vogel sent for Mr. Izard, and represented that "the Government were desirous that the action should be stopped," and that the Provincial Government of Otago "wanted possession of the land, and wished the action stopped." Izard had "every hope of succeeding" in the appeal, but consented to compromise, and consulted Mr. Mantell after sketching terms with Vogel, which imposed on Izard the task of "telegraphing to England to stop the appeal on payment" by the province of Otago of £4650 and £500, which would provide, after certain deductions, £5000 for division amongst the natives, and would leave the province in uncontested possession of the grant secretly procured in 1866. Mr. Izard wrote to his client, Topi Patuki, that though he did "not think the Maoris entitled to anything less, in strict justice, than the whole of the land,"—the chances of success had to be considered, and he had made the best bargain he could make with Mr. Vogel. Again the voice of Mr. Mantell rises prophetic-like amidst the meanness of the time. He also wrote to Topi Patuki. The compromise represented, not the Maori rights, but their prospect of obtaining them at law. For himself, like Mr. Izard, he believed their rights unquestionable. "On considerations of public policy, in the true interests of the colony, I should and do desire that the case should go on before the Privy Council whatever the result; for I am not absolutely



without hope, that showing as it does among other notable points, a certain looseness in which the Maoris were secured in the enjoyment of benefits purporting to be conferred upon them in former years by the direct representatives of the Crown, and the manner in which, regardless of the extent to which the honour of the Crown may be involved, such looseness may be taken advantage of under our present institutions, and in our present Courts, to abolish those rights, to deprive them of those benefits; and, inasmuch as all these promises were consequent upon some advantage received or to be received by the Crown, to place the good faith of the Empire in an unenviable light—I am not without hope, I say, that an authentic exposure of all the facts relating to this case might at last arouse some English statesman to a sense, that, in delegating powers to colonists, the Imperial Government is bound in honour and duty to insist upon the honest fulfilment of every engagement made by Her Majesty's representatives, on behalf of Her Majesty, and in Her Majesty's name, prior to such delegation; and that of this duty the Imperial Government cannot divest itself before God, though it may succeed in doing so before man—as man goes. But you will say . . . What is the best in a pecuniary point of view that I can do for myself and my tribe in this matter? In this view I conscientiously believe that by accepting the proposed compromise you will obtain the full value of your chances as far as I can see them. The law is always uncertain . . . no proper care has been taken when promises have been made to your tribe, or benefits guaranteed, so to bind the Crown as to give you a claim irrefragable against it in the Courts of law— . . . The decision of the Privy Council may be adverse, or may not be final, and the case may have to be begun again, if you can go on with it; and whence are the funds to be derived?" Mantell wrote also to Taiaroa. Patuki telegraphed to Taiaroa that he would consent to the terms if Taiaroa would do so. The latter told Izard that he could not say the compromise was bad, although it was known that the land was rightfully the property of the Maoris. "However, I will consent in order to save my property and that of all my people—lest we lose the case in England as we have lost it in the Supreme Court of New Zealand."

One would have thought that Macandrew and his friends

would have been content with ill-gotten gains. The land was computed to be worth more than £100,000, and by a surreptitious act which the Government called a mistake, but which they made no attempt to rectify, and by casting the meshes of the law over the transaction, the Maoris were for a mere pittance robbed not only of their native land, but of treaty rights, and ousted from a spot on which Taiaroa averred that they were living when the reserve was made for them. But when Taiaroa asked for the accrued rents he was flouted. It was averred that the compromise had swept away all Maori claims. Mr. Izard denied that it did more than settle the question of ownership for the future. "We took a sum of money to settle the matter, but not because we admitted the justice of the judgment." Mr. Fox cross-examined Izard thus: "You left the fruits of victory with the other side. You left the land in absolute possession of the other side?" "On their paying us a certain sum of money. They paid us to do it." *Fox*.—"They paid you for a possible claim. To reduce the value into a betting form—the odds were 40 to 1 against you, and you were glad to take the value of your 1?" *Izard*.—"They bought our interest." Well might Mantell yearn that some English statesman should again say, with the authority of the Lord Stanley of 1843, that he would not admit that any person or any Government acting in the name of Her Majesty could contract a legal, moral, or honorary obligation to despoil others of their lawful or equitable rights. Alas! the Prime Minister of 1843 had long passed from office, and the Rupert of debate as well as himself had been gathered to his fathers. England had fallen from Peel and Stanley to lesser men; and every Minister after the days of the Duke of Newcastle had been entangled in the vile wrong, which, in 1860, he sanctioned at Waitara. In 1877, Taiaroa petitioned that the rents accrued before the date of the grant, with interest, might be paid. The Native Affairs Committee examined him at great length. "The question (he said) of the ownership of the land we gave up at the time we accepted the £5000. I shall not cease to urge for the £6000 which I believe had entirely accrued from rents before the date of the execution of the grant."

Mr. Fox vainly endeavoured to shake Taiaroa's evidence, but succeeded in proving that, after the compromise was agreed to,

Macandrew tried to procure Taiaroa's signature to a submission deed which *had never been shown to Mr. Izard*, and which Taiaroa refused to sign, because it contained limitations not consistent with the compromise. When Mr. Izard, on this point, confirmed Taiaroa's evidence, Mr. Fox asked if the major did not include the minor, and if the abandonment of the right to the land did not include right to accrued rents. Izard denied that his clients had admitted that they had no right to the land; and when Fox persisted, replied: "I do not wish to argue the matter with you. I am only giving my opinion." Fox asked if the exclusion of any mention of claims for the back rents from the compromise did not show that Vogel considered they would be extinguished. Izard said, No; he had, in consultation with Mr. Mantell, agreed that the rent question ought not to be mixed up with the compromise at all, and it was never touched upon or involved in the arrangement made with Vogel. "If he had intended it to cover the question of back rents he would have told me. Mr. Vogel was too keen not to have inserted a stipulation about the back rents in the agreement if it was intended they were to be included." Taiaroa distinctly stated that he warned Mr. Mantell that the rents before the date of the Crown grant ought in no manner to be compromised; and it is difficult to see how an honourable mind could desire that they should be affected even if the grant itself had not been tainted with wrong. Fox cross-questioned Izard thus: "The decision of the Supreme Court was already against you?—Yes; but we had appealed, and we had good reasons for believing that we should win our case." Tawiti asked Macandrew how it was that if the Governor had power to make valid purchases, he had no power to make reserves? Macandrew replied: "That is a question I cannot answer." The Committee reported, on the 21st November, that there appeared to have been misapprehension as to the full extent of the compromise, and that it was desirable to remove all further grounds of complaint by a payment of the rents which had accrued prior to the issue of the Crown grant, or by a reserve of land of that value for the benefit of natives interested. Fox entered his protest against the report, and against "the concealment" he imputed to the Maoris. If they had not intended the payment to wipe out all



claims they ought to have said so. Mr. Macandrew wrote under Fox's protest: "I agree to the above." He did more. He supported a motion to strike the item from the estimates. He was surprised beyond measure at the decision of the Committee, and at Mr. Rolleston, a member of it, whom he accused of "mere sentiment in pandering to the natives." On a division the vote was agreed to by 28 votes against 23. It is just to Major Atkinson, Mr. Ormond, and Mr. Sutton to record that on this occasion they supported Sir George Grey, Mr. Moorhouse, Mr. Sheehan, and Mr. Rolleston in giving effect to the recommendation of the Committee. Tairaroa did not vote, although he was present at other divisions in the same sitting. The other Maori members voted for the grant. It is to be noted that Mr. Bryce, the chairman of the Native Affairs Committee which recommended the grant, voted in the House against giving effect to the report which he had signed.

It is necessary to watch occurrences in the New Zealand Parliament as regards the condition of the Maoris. It is also desirable to scan the increase of the colonial debt. The new South Sea scheme to which Mr. Vogel at last obtained a favourable hearing differed from his earlier chimæra. He had once proposed a scheme by means of which to astonish the world and handle hundreds of millions of pounds sterling. With the trifling difference of half per cent. between the borrowing and lending rates the national debt of England could be paid off by an agency under Mr. Vogel. If half per cent. would do so much for England, what might not twice that amount do for Vogel? Warned by experience, the men in power declined to promote a project suspiciously related to that of the scrivener Blount.

It has been seen that after floating into office, Mr. Vogel, in 1874, propounded a scheme by which if the provinces would yield three per cent. of their land to be afforested he would be able to release them from their railway obligations. By a poor three per cent. excise upon provincial lands the modern alchemist would convert into untold wealth the possibilities of growth of trees, although, under the colonial rule, the ancient forests were being wasted at a rate which created alarm lest even in that ocean-cradled land sterility should be brought about by diminishing the moisture of the atmosphere. Schemes

for enrichment abound at all times. It was but in the 18th century that Cagliostro received money to arrest the foot of time. The schemer of every kind craves the handling of other men's wealth. The straightforward rogue advertises now, as in 1720, that if ready money deposits be sent to his office as earnest, and a few hundred pounds be remitted at a future time, untold wealth will accrue to his dupes. After a few days or weeks he decamps with the remittances of those who had, at the most, less wit than cash. The South Sea Bubble and the Pacific Islands' schemes were framed on a different model. Shareholders were not to be robbed. In the handling of money the promoters would perforce find that some adhered to their palms, if only as a business per centage. There is, however, an indestructible commodity on which rests the security of nations, and the hope and the pride of their people. On land all usurers will lend. The Public Works and Immigration Scheme, based upon that principle, had poured many millions into New Zealand, and some efflorescence of the golden stream had attached itself, or had been attached, to its propounder. There was occasional demur; but a glamour of assumed public good cast a mist over the eyes of men in general, and they were grateful. In 1876 the House had refused to vote the sum proposed for Sir Julius Vogel by the Atkinson Government. In 1877, a few members, more careful of New Zealand than of him, disputed the propriety of awarding a sum far exceeding the amount stipulated for when Vogel had undertaken his last mission to England. There was a sharp debate. Vogel's recent colleagues were strengthened by Mr. Reid, who had joined them, and had after joining them changed his opinion about the grant. Mr. Gisborne cuttingly remarked that not the colony but the Ministry sent Vogel to England, and the colony ought not to bear the expense of sending a family to England and "bringing them back again." Other speakers plainly said that the Government had paid all that was promised, and ought not to pay for the private extravagance of an agent. But the vote was carried by 33 votes against 21. It was not a party vote, for though Sir George Grey and Mr. Sheehan were in the minority, two of their colleagues voted with Vogel's "sturdy beggars," one of whom extolled him as "one of the most able, most honest, and most consistent

politicians New Zealand had ever seen." Friendship, admiration, and charity carried the day in spite of the bluntness of Mr. Hodgkinson, who to an appeal for pity replied: "As to the plea of sickness, all that could be made out of that was, that the Government were very much to blame for sending home a sick man to do their work." Though Vogel's personal applications might disappear from the Treasury the fruit of his labours was to be more enduring. Abolition of provinces had increased colonial burdens. Both Atkinson and Grey were compelled to deal with the financial problem. The day had not yet arrived when capital would be openly borrowed or encroached upon to meet demands for interest; but the policy of "purchasing the support of the provinces" had made many mouths gape. Only more loans could enable the appetite to be gratified. In July, Major Atkinson had announced that he would ask for a loan of £2,000,000. There was an invested sinking fund—the bait which it is so hard for impecuniosity to abstain from—but Major Atkinson proposed to respect it. The gross debt in December, 1876, had been almost £19,000,000 sterling. The proportion of revenue raised by taxation was about £1,350,000. Land had supplied more than £9,000,000 sterling, and about 900 miles of railway were part of the results. Mr. Larnach in November declared that there was a deficit in revenue of more than £700,000, and proposed to ask for a loan of £4,000,000, and do away with a multiplicity of local loans by creating one consolidated colonial debt. Major Atkinson impugned the accuracy of Larnach's calculations.

The Loan Bill was read a second time on the 5th December without a division; but after vigorous denunciation from Atkinson, on the 6th, Mr. Ballance moved the reduction of the amount to £3,000,000, and the Ministry accepted the amendment, which was nevertheless rejected by 27 votes against 26. Major Atkinson moved a reduction to £2,000,000; but was defeated by 28 votes against 25. An amendment, moved by a supporter of Sir George Grey, and carried without a division, limited the loan to £2,500,000, of which £300,000 were to discharge provincial claims; £800,000 to redeem guaranteed debentures; and £1,400,000 to carry on public works and immigration. No provision was made for a sinking fund, although the maximum rate of interest was



fixed at six per cent. The Legislative Council accepted the Bill. Without praising it, Sir George Grey moved the second reading of the Consolidated Stock Bill of his predecessor, Major Atkinson. It was read without a division. In Committee, the Speaker, Sir William Fitzherbert, departed from his usual custom, and seriously addressed the House upon the measure. As agent for the colony, in 1867, in negotiating a large loan, he was entitled to speak with authority, and he was heard with respect. In the loan negotiated by him one per cent. was devoted annually to the cancellation of the stock. Earnestly he implored the House not to damage future prospects by grasping at deceitful present gain. To convert securities from other forms into one compact responsibility was good; but in so doing, to absorb the provision (by way of sinking fund) already accumulated to about a million and a quarter sterling, was fraught with danger, and would alarm the dealers in New Zealand stock. "Heretofore we have evaded our stern duties; in an uncourageous spirit we have shut our eyes to them. . . . If we do not act prudently our credit will fall." No one attempted to reply to his warnings. The debate was adjourned; and on the following day, without discussion, a division was taken, in which by 38 votes against 13 the principle of the Bill was sanctioned. Sir G. Grey, Sir W. Fitzherbert, Mr. Macandrew, Mr. Sheehan, and Mr. Rolleston were in the minority, but many of their friends opposed them. In public and in private life there is no subject on which men's consciences are more elastic than on one which holds out hope of immediate gain, although it may lead to distant disaster. In the Council Colonel Whitmore incidentally pointed out that it was Mr. Westgarth, a former colonist of Victoria, and not Mr. Vogel, who first moved in the matter of inscription of colonial stock. With few comments the Council passed the Bill. The Immigration and Public Works Appropriation Bill of 1877, though dealing with millions of money, caused no debate in the Lower House, where it was only introduced late in the evening of the 7th December, and read twice without discussion. In the Council, the Speaker, Sir J. L. C. Richardson, on putting the question of the second reading on the 8th December, pointed out that the privileges of the House had been infringed by clauses which authorized certain acts to be done by the corporation of

the Thames county, and vested certain property in that body. He assumed that the infringement was of course unintentional, and suggested that a message should be sent to the other House, to the effect that the Council would waive their objection to the insertion of the clauses, "in the full belief that it was not the intention of the House of Representatives to annex clauses to one of their Bills of Supply, the matter of which is foreign to and different from the true matter of such Bill of Aid or Supply."

Colonel Whitmore, on behalf of the Government, assured the Council that there was no intention to infringe their privileges, and that the message would be accepted by the Government "in the way the Council would wish." Mr. Hart and Mr. Mantell thought it would be desirable to take some course in future to guard privilege against invasion; and Sir F. D. Bell (a former Speaker of the Lower House) thanked Sir J. Richardson for his watchfulness and Colonel Whitmore for the manner in which he had met it. Sir Dillon Bell raised a warning voice against the extravagance with which, in the Appropriation Bill and the Bill under discussion, votes were "crowded on to the supplementary estimates at the last moment, in utter disregard of the certain fact that we have not money to pay them." Nothing would "save the country from insolvency unless the Government of the day, let them be who they will, sternly set down their foot against this madness." The New Zealand Legislature seems to have shrunk from seriously considering the question of payment of its members, originally sanctioned merely to reimburse members for the difficult task of journeying to the seat of Government when means of conveyance were rarely to be procured. In 1877, Mr. Stevens (from Christchurch) moved a reduction in the item, which was called "honorarium;" but Mr. Stevens found little support in his self-denial. Captain Russell (from Napier) aided him; but Mr. Stout rebuked the "continual wrangling over the question." Mr. Stout's purity would be contented if those who condemned the principle of payment of members would leave their honorarium in the Treasury.

It must be admitted that the Legislature did some work. The public Bills of the session were 54 in number. The local and personal were no less than 88. The abolition of the provinces had burdened the General Legislature with many things. Acts

respecting Farmers' Clubs, Highway District Boundaries, Otago Athenæum Endowment, and others which need not be enumerated, swelled the catalogue. The members were dispersed with irritated feelings. The men of Canterbury who had supported abolition felt the iron in their souls when the prophesied seizure of their provincial land fund became an unwelcome fact. The extension of the pastoral leases in Canterbury roused the wrath of Sir G. Grey; and he entered upon a campaign, the object of which seemed more to excite ill-feeling than to induce his auditors to weigh principles. His reputation served to procure a friendly interview, in January, with Tawhiao, the Maori king, and numbers of chiefs in the Upper Waikato district. On the west coast, with Mr. Sheehan, the Native Minister, he obtained the consent of Tawhiao's followers to the admission of European vessels at the Mokau river in the king's territory. Even his bitterest foes acquiesced in the belief that, as regarded the Maoris, his influence might prove useful. At Wellington he addressed the electors, by invitation, and harangued them on the policy which he fondly said would make them happy, and give the world assurance of beatitude unknown on earth before. Taxation was to be imposed on all holdings exceeding 350 acres. Universal suffrage and equal electoral districts were to convert ignorance in the halls of legislation into supreme wisdom. All would be well if the people would support Sir G. Grey. His eloquence was supposed to be effective. Three days after his ill-conditioned but well-timed appeal, an election for the city of Wellington was held—Mr. Travers, an opponent of the Ministry, having resigned. A former member stood in the interest of the Opposition, and an ex-mayor put himself forward as a friend of the Government. A practising lawyer, who had declared his intention to stand as a supporter of Sir G. Grey, was in gaol under committal for contempt of Court. The three candidates were polled for, and it was deemed certain that the divided votes of ministerialists would ensure their defeat. To the utter astonishment of the enemies of the Government the man in gaol was elected.

At an election of a member to supply the place of Mr. Reader Wood at Parnell, an Auckland suburb, a supporter of the Government was elected without opposition, and the high hopes



of the Vogel party that in 1878 they would easily drive Sir G. Grey from office began to wane. Nevertheless Major Atkinson, Mr. Whitaker, Mr. Ormond, Mr. Bowen, and Mr. McLean, recently expelled from office, addressed their constituents with success. The treachery of Sir G. Grey in endeavouring surreptitiously to strangle the Land Bill, the offspring of the Legislature, furnished a weapon which they were not slow to use. He, in the mean time, made a tour in the Middle Island, addressing crowded audiences at Westland, Canterbury, and Otago. At Christchurch, Mr. Rolleston and some of his friends endeavoured to check the tide of favour but in vain. The local magnates were howled at, and Sir G. Grey was received with acclamation. After a triumphal progress he returned to the North Island to meet again the Maori king. The Ministry received an addition to its ranks in the person of its old supporter, Mr. Stout, who became Attorney-General. Two representatives from the Otago district still held office with Sir G. Grey, although Mr. Larnach, the Treasurer, resigned his position and went to England, bearing powers to represent New Zealand in negotiating the new loan. Mr. Stafford also left the colony. The star of Sir G. Grey seemed for the time in the ascendant, and the failure of the prosecution of Jones for libel against Whitaker seemed to show that outside as well as within the walls of Parliament the conduct of the Atkinson Ministry was condemned.

Long as the peace between Pakeha and Maori had endured, there were fears that, at any moment, a rankling sense of injustice, a superstitious confidence in a leader, and carelessness about consequences, if not absolute love of fighting, might bring about another Maori war. Rumours were scattered abroad that in case of war the friendly Maoris would not again fight against their countrymen. A man named Moffatt was tried in 1877 for unlawfully manufacturing gunpowder, which it was said the Maoris were secretly accumulating for the day of need. The resident magistrate at Wanganui reported (May, 1877) that at Mokau, Waikato, and Tuhua, the man had long been traitorously supplying powder and repairing fire-arms. Two chiefs took umbrage at Moffatt's conduct towards them, and executed a warrant for his arrest. He was tried before Judge Richmond. Evidence to support some serious charges was defective, but a

conviction, on the ground of manufacturing unlawfully, was followed by the maximum penalty—imprisonment for two years—the Judge telling the prisoner that hanging would not have been too severe a punishment for his murderous crime of supplying a semi-barbarous and merciless foe with means for rapine and destruction of unoffending settlers.

There was a cloud at Parihaka. The great block of land confiscated by proclamation at Taranaki in 1865 comprised all the coast line of the Cape Egmont promontory from Waitotara on the south to the White Cliffs on the north. Within it there were patches held by Maoris, under English tenure. The Government had pledged itself to make reserves for Maori uses, but had not made them. Even the awards made to the natives by the Compensation Court in 1866 had not been carried out. Content with his practical autocracy in native affairs, Sir Donald McLean, in 1872, with the public sanction permitted the scattered natives to return to their old homes. "I think it would be politically undesirable, and I fear practically impossible, to attempt to prevent their occupying the country north of Waingongoro, the confiscation of that country having been abandoned by the Government so long as they behave themselves and keep the compact about not crossing Waingongoro." These words, written by one of his staff, were officially approved by Sir Donald McLean in 1872; and the Waimate Plains were included within the territory over which confiscation was thus treated as abandoned. So completely did McLean recognize the resumption of their land by the Maoris, that he entered with them into formal deeds of cession by them of lands within the confiscated block. The Ngatiruanui tribe originally held the coast from near Opunake to Waitotara. The fertile Waimate Plains were part of their possessions. It has been seen that although the joint tribal rights ought naturally, by accretion, to have devolved upon the unoffending, if by treason or otherwise any *deminutio capitis* had been incurred by any outlawed persons, the Colonial Government had not adopted the wise suggestion of Mr. Cardwell to take by cession, and not by confiscation, lands required in order to punish Maoris who had taken up arms against injustice and had been worsted in the field. The proclamations of the Colonial Government, nevertheless, invited the rebellious Maoris to come

in, and land was promised to those who would do so. McLean on more than one occasion obtained by cession portions of land already nominally confiscated. Even to Titokowaru, who had defeated Colonel McDonnell and slain Von Tempsky, Sir Donald McLean had specially declared that if he would be peaceful he would not be molested, and he had returned to Okaiawa, near the scene of his exploits at Te Ngutu-o-te-Manu. But he was not now the accepted prophet of the people. Te Whiti was their guide. Month by month—year by year—he convened meetings of his countrymen, and harangued them with an eloquence of which they did not tire, though he sometimes spoke for hours together. Mr. Parris, the agent employed in 1859 to create war at the Waitara, reported (1872): “The general character of Te Whiti’s influence is altogether in favour of peace, and I think that if he be prudently dealt with it will continue so, as it corresponds with the essentially peaceful and amiable nature of this singular man. . . . His total want of sympathy with, and indeed his scorn for, our action of progress, and the absence of all desire for money, or anything that we have to offer him, renders it difficult if not hopeless to obtain any active aid from him in facilitating the work of colonization.” He had acquired “predominating influence,” not only over his people at Taranaki, but in far distant tribes. Thus said Mr. Parris. Te Whiti was described as being in 1879 about 50 years of age, as having clear intelligent eyes quickly flashing, a well-chiselled nose, almost European features, which in repose appeared Spanish, and a muscular frame of fine fibre, symmetrical like his hands. His voice was powerful and clear, and as he stood “erect and bareheaded, it could be heard all through the village, now thrilling with passion, anon replete with scorn, and then plaintive in entreaty. He revels in mystery, and for copiousness of language and imagery, for gracefulness of action, modulation of voice, for self-possession, and command of his audience, Te Whiti certainly ranks high as an orator. To the usual (Maori) metaphor, he adds all that can be gleaned from Scripture. His memory in private conversation with visitors shows that he is well informed on both ancient and private history.”<sup>1</sup> The colonists wondered whether he was mad or

<sup>1</sup> Reports of eye-witnesses.



cunning: whether under the cloak of prophecy he was secretly organizing armed resistance, or was the dupe of the enthusiasm which asserted that he was directly inspired from heaven. The figurative speech of his people assisted in creating doubt. He spoke as if in him the Deity uttered oracles; as if he were indeed himself the God;<sup>1</sup> but it was the custom of his countrymen to impersonate thus. A chief would often say, "I slew a tribe," when he meant that his ancestor in a former century had done the deed he was imputing to himself. Of his commanding influence there was no doubt, but there was no sign that the followers of the Maori king were acting in concert with him. Some persons thought Te Whiti inspired by a hope that he might cause the validity of the confiscation proclamations to be tested before the Privy Council:—that by mingled demonstrations of power among his own people and passive martyrdom before the colonists the justice of the Queen might at last be invoked. There were others who saw with chagrin that his influence rebuked that drunkenness which was so potent in decimating the Maori race. At Parihaka, between Mount Egmont and the sea, his admirers had by degrees assembled in such numbers that it was said there had not been seen so much Maori cultivation in one locality since Europeans had inhabited New Zealand. Men from distant tribes were assembled under his protection. In May, 1877, the Wanganui magistrate

<sup>1</sup> "When I speak of the land, the survey, the ploughmen, and such small matters" (Te Whiti said), "the pencils of the reporters fly with the speed of the wind, but when I speak of the words of the Spirit, they say this is the dream of a madman! They are so greedy for gain that nothing seems to concern them except it be in some way connected with accumulation of wealth. The dealer who gains wealth by short weights and vile goods, and by the numerous modes of picking and stealing known to the initiated—the men who steal the land of the Maori, and acquire flocks of sheep and herds of cattle—the men who would snatch the bread out of the mouths of the widows and the fatherless, and become rich by so doing, are all looked upon as respectable persons of property, while the humble seeker after truth is passed by unknown and unheeded. The time is at hand when their goods will rot in their stores, their ships will rot in their harbours for lack of sailors, their merchants will wring their hands in despair when they shall see their ill-gotten gains melt away like the mists of the morn at the rising of the sun." Such words, though not spoken by a madman, were not likely to fall on genial soil amongst those who controlled native affairs after the rape of the Waitara.

ported: "The Maori prophet, Te Whiti, still holds his periodical assemblies at Parihaka, in the Taranaki country, and the natives continue to attend, and have not yet lost faith in his prognostications." But though he preached peace no man doubted that at his command any follower would gladly, at risk of life, take that of any European.

Te Rangitake retained his peaceable demeanour, but dwelt apart from Europeans, in the Ngatimaru district, high upon the Waitara river. Scattered in various places on the confiscated territory were many of the Taranaki, the Ngatiruanui, and others, formerly hostile, who professed to rely on the verbal and written assurances of McLean that they would not be molested. As far as various officers could ascertain, there was no likelihood of troubles if those promises should be respected by the colonists. There were occasional dangers from native feuds. Even among the friendly Arawa, on the east coast, absolute strife was at one time apprehended, but it was averted by the mediation of an European Commissioner with the aid of native assessors, and the dispute was referred to the Native Land Court. Cultivation of land and sobriety were reported to be on the increase in several districts, but the decay of the race had not been appreciably arrested. Even in Canterbury, the Rev. Mr. Stack wrote (June, 1877) that the old order and reverence among Maoris which had been displaced by the loss of influence of chiefs and the voluntary abolition of slavery had been succeeded by a coarseness which had degraded the morals of the people. They still craved education for their children. Many of them had been impoverished by their efforts to provide funds to enable Taiaroa to appeal to the Privy Council in the matter of the Maori reserve at Dunedin.

The returns laid before the Assembly showed that there were enrolled 1131 boys and 789 girls attending native schools; the average attendance being respectively 791 and 565. The cost contributed by the Government was £15,392. Maoris had given towards salaries £464, and for erection of buildings £573 = £1037; total £16,429. There were about 50 village schools. The superior schools for which Governor Sir James Fergusson had touchingly pleaded had not been altogether forgotten; 26 boys and 18 girls were stated to have received education at provincial

district schools; and there were boarding establishments at which 99 boys and 126 girls had been taught. A petition signed by nearly 1000 Maoris, in 1877, might be styled a general grievance petition, with thanksgiving for certain acts which they approved. They declared their loyalty to the Queen. It was good that the tribes should meet every year to lay their grievances before the Assembly. "We say that the present Maori Representation Act should be repealed,—*i. e.* the law which only allows a few representatives for the Maori people in proportion to the European representation. We say that the conduct of the native land purchases under the Act now in force is very confusing and bad, and that purchases under these regulations should be stopped. Land should not be sold while the original title exists. If the tribe, the hapu, and the chiefs consent to survey and to have the title investigated by the Court, then only will it be right that such survey and investigation should take place. If all consent to sell land, then only will it be right to sell. When the consent to sell has not been obtained, let no money be paid to the owners. A stop should be put to the unauthorized going of Government officers to urge the Maoris to sell their lands or to pass them through the Court. Let the questions of survey and of investigation of title to land rest with the owners. . . . We desire that all the laws about the Native Land Court should be repealed, and that a (*marama*<sup>1</sup>) clear Act should be passed, under which Maori land matters may be fairly dealt with. It should provide that the Land Court Judges should hold the same position as Judges of other permanent Courts, and that the Government should have no authority over such Native Land Court Judges. We say that the Government formed in the year 1869 is a bad Government. It has no good thought toward Maoris. Let the Parliament upset that Government. We would address a respectful petition to our Queen praying her to send hither a trustworthy and upright man to inquire into our grievances, to write them down, and to write down our statements so that our Queen may see them." . . . They were thankful that Parliament had inquired into Maori

<sup>1</sup> Maori scholars aver that no other language can express in one word the force and subtlety of the word *māramā*, which implies clearness, transparency, brightness, the force of truth, and a plainness to the understanding.



affairs, and that Government had abandoned (they heard) the purchasing of lands. "The evils that have fallen upon the Maori people through the action of the Government Land Purchase Commissioners have been very great, and it is very proper that the system should be abolished." They "were glad to hear that the Maori members have been put upon the same footing as the European members so far as permanency is concerned, but in reference to their application made last year, thought that a new and fixed Act should be passed making the representation of the Maori people by Maoris proportionate to the representation of the European people by Europeans, that the present electoral districts should be abolished, and the great tribal boundaries should be made the division between the new electoral districts. . . . Through the evils in the laws bad Europeans have seized without consideration the lands of the Maoris at Hawke's Bay (Heretaunga, &c.) and other places. . . . The Act which allows Maoris to sit on juries in the European Courts should be carried out. The chiefs and people of knowledge of all the tribes in this island should cause the names of qualified persons to be placed on the electoral rolls. The Maoris throughout the colony should not vote for the new County Councils lest it be made a ground for demanding money for the Councils on account of native lands. The Government should use every endeavour to have schools established throughout the colony so that Maori children may learn the English language, for by this they will be on the same footing as Europeans and will become acquainted with the means by which the Europeans have become great. The meeting asks the chiefs and all the people of the island to lay aside all old deeds, to return to the right religion and to the teachings of Scripture. The meeting is glad that the disputes about Kikirawa and Te Awa-a-te-atua have been settled by the payment of a large sum of money<sup>1</sup> and the restitution of a portion of the land. The Europeans of these islands will now know that the objections raised by the Maoris to the wrong-doings of Mr. Sutton and others of Hawke's Bay are not untrue; for if they had not done wrong this large sum would not have been paid for Kikirawa and Te Awa-a-te-atua. The meeting strongly

<sup>1</sup> Fearful of losing more, the deceivers of the Maoris had compounded certain actions.

objects to the return of Mr. Sutton as member for the Europeans at Napier, to succeed Sir Donald McLean. The Maoris of Hawke's Bay will put no faith in the actions of a man who has been the means of their suffering such evils; and the meeting says that Mr. Sutton's words in Parliament should not be listened to, and that members from all other places should try to discover the reason why such a man as Mr. Sutton is allowed to fill Sir Donald McLean's seat. The meeting approves of the action of the people of Ngatahira—that is their keeping hold of it, lest Mr. Sutton should get it; and the meeting asks that neither the Parliament nor the Government should support Mr. Sutton in doing this great wrong to the Maoris under cover of the sacred name of the law (*i raro o te ingoa tapu o te Ture*). . . . All the chiefs of the tribes are utterly to overthrow the drinking of spirituous liquors (*waipiro*,—*lit.* stinking water), and the Parliament should pass an Act inflicting penalties on persons taking *waipiro* to Maori settlements. This meeting desires that Parliament will not put any obstacle in the way of the Maoris in reference to lands wrongly taken from them. It is better that the Courts of Law should decide such cases. These thoughts of all the Maoris are committed to the consideration of the Parliament of the colony." . . .

A petition so numerously signed could scarcely be neglected. The Chairman of the Committee on Native Affairs reported (on the 7th August, 1877) that it deserved careful consideration, but the Committee were not prepared to "make specific recommendations in relation to the numerous political opinions expressed by the petitioners—that inasmuch as the petitioners threw great light upon the opinion of the natives as to the shape which should be given to legislation upon native lands, the Committee would recommend that the petitions be printed. . . . The Committee desire to express its disapproval of the insertion therein of that portion of it which reflects upon the character of a member of this House, and hope that in future Maoris petitioning the Legislature will refrain from making such reflections." A few days after this injunction of moderation, Captain Russell, member for Napier, in presence of the member Karaitiana Takamoana denounced Henare Tomoana (Karaitiana's half-brother) as "one of the most accomplished liars he had ever the

misfortune to listen to." A division, taken immediately afterwards, showed that there were 63 members in the House. No one expressed disapproval of Captain Russell's language; and Karaitiana on resuming the debate overcame his assailant by moderation. He recalled the aspersion on his relative by saying that the asperser had given no reasons in proof of his statement. Sutton might labour unrebuked to extort signatures from Maoris overcome with wine, practise the numerous arts of his class, but the Maoris were censured for mentioning in a petition the wrong-doings from which they had suffered. A member of the House might say without check to a Maori member that his half-brother was an accomplished liar.

Such was the aspect of native affairs when at the end of the long reign of the Fox, Vogel, and Ormond party, supplemented by Atkinson and Whitaker, the reins fell into the hands of Sir George Grey. It was believed that only the tact of Donald McLean had avoided or postponed the dangers which men deemed possible, if not probable. The unruly Maori had his counterpart in the low European. No traveller<sup>1</sup> could go into public places without finding that there was a section of colonists (happily in a minority) thirsting for another war in order that the weakened condition of the Maoris might lead to their utter extinction and to the seizure of their lands. But though in a minority, that section was not powerless. It could by crooked methods thwart a Ministry which would not pander to its unholy desires. There was another section composed of speculators, who, without any wish for war, looked upon the questions of war, of right and wrong, and of the treaty of Waitangi, as far inferior in importance to the speedy acquisition of Maori lands. Their morality was couched in their ledgers, and was ever ready to spring upon them if they were tempted to think of justice and humanity. They never admired the stirring despatch in which Lord Stanley trampled into dust the vile image which the New Zealand Company wished to set up.

Sir George Grey had so warmly opposed Sir Donald McLean

<sup>1</sup> The reader may find an instance in a work written by Mr. Kennedy, a member of a Scotch family, which made a successful tour from colony to colony, and from town to town in Australasia, singing the songs of "Auld Lang Syne" to gratified audiences.



with regard to certain land transactions, and Mr. Sheehan had, as advocate of Maoris in the Supreme Court, exposed so many arts of speculators, that each of them had enemies. There were some Maori experts, who had been followers of McLean, and who did not expect the patronage of the new Government. These now devoted themselves by hidden ways to the task of inspiring Maoris with distrust of Grey and his friends. Among the earliest works of Mr. Sheehan was the removal from office of a man who, though convicted of various irregularities, had been permitted to retain office under the Native Department. He and others were not slow to labour, if not to revenge their wrongs, to damage the new Government. The interpreter's license of Mr. C. O. Davis, already familiar to the reader, was cancelled; and after a time Mr. Mair and his brother and Mr. Searancke were removed from office. The personal government which had been condemned in Donald McLean was repeated, and was to be defended by Mr. Sheehan. The enemies whom he created had lived long enough in Maori land to be imbued with Maori longing for revenge. Mr. Sheehan could not or did not assign reasons for ostracising some whom he displaced, and was to discover that in the instances of Mr. Davis and Major Mair he created powerful opponents, who were to aid in causing the rejection by the Maori king of overtures framed with care and put forward with ostentation by the Ministry.

Amongst the documents printed during 1877 was one concerning the claims of Mr. Whitaker, which had been the subject of the Bill passed through the Lower, but rejected in the Upper, House in 1875, in spite of the efforts of Dr. Pollen, Whitaker's colleague. Mr. Murray obtained a Select Committee, containing Mr. Ballance, Sir G. Grey, Mr. Reynolds, Mr. Stafford, Mr. Wakefield, and himself. They reported that a proposed exchange of land between Whitaker and the Government was judicious, and that delay in the transaction had subjected Whitaker to loss which ought to be ascertained and settled. The Committee gravely stated that they had not "the means of examining the natives interested, but had taken all available evidence." Much labour would be avoided by inquisitors if such a mode of inquiry should become the rule. The original claim was based on an alleged purchase (Maukoro) near the Piako river, by one

Webster in 1839, and Sir George Gipps' wise edicts had rendered that purchase nugatory with many other deceitful transactions. Governor Fitzroy, in his distress, nevertheless, made certain irregular grants of land in 1844, and Sir George Grey's Quieting Titles Ordinance of 1849 was alleged to have invested the claims of Webster with validity. The rights under awards of the Land Claims Commissioner were purchased by Whitaker and Heale, and there were protracted negotiations to gather in the native interests. Sir F. D. Bell, being a Commissioner under a Land Claims Settlements Act, heard the case in 1861, and made an award of 12,065 acres to Whitaker and Heale. He admitted that under Gipps' law only 2560 acres could possibly have been awarded, but urged that the Quieting Titles Ordinance enabled the Court to validate the wrongful grants of Fitzroy. But, in 1861, it was one thing to make an award and another thing to act upon it. By the seizure of the Waitara block in 1860 Mr. Whitaker and his friends had postponed the day of the gown, and he slept upon his rights. In his evidence in 1877 he plumed himself, and was congratulated, upon not having urged his claims, for fear of creating a "native difficulty." He must, as one of the robbers of the Waitara, have smiled at the imputation of such a weakness. After the war the native titles were still undealt with at the Piako, and to enable a Government land-agent to purchase a large tract of country, it was proposed that Whitaker should agree to make an exchange of his Maukoro block if the Government would permit him to select an equivalent elsewhere. Dr. Pollen, a Minister at the time, made the bargain. The Maoris did not wish to lose Maukoro. The land-agent told the Committee that they "lived on the land, and would not" allow Mr. Whitaker to take possession . . . "because their ancestors and chiefs of the tribe were buried there, and they did not wish to give it up."<sup>1</sup> Dr. Pollen was very gracious to Whitaker in 1874; but the burial-places of ancestry could hardly be wrested from the natives. Donald McLean would not have consented to such an act, which it was thought that the Maoris, though few in number, would resent.

It was agreed that Whitaker should surrender his title, and that the Government should allow him to select 14,783 acres elsewhere

<sup>1</sup> N. Z. P. P. 1877; I. 15.

(Puninga) between the Piako and Waitoa rivers, of which he was to receive a Crown grant. Whitaker thought the transaction was to be completed without delay under an Act passed in 1858, when he was concerting with C. W. Richmond measures for abrogating the tribal tenure of the Maoris,—but a law officer told Pollen that the Puninga block had to be paid for out of a loan raised under the Immigration and Public Works Act, and money thus devoted was inapplicable to lands selected under any scrip, and could not be awarded by way of compensation. Whitaker pleaded that a *bond fide* exchange of land was outside of the scope of the Act, but Dr. Pollen would not depart from legal advice. Then followed the Piako Land Exchange Bill, which was lost in the Council, and Whitaker complained that he was “badly treated,” but obtained no “satisfactory answer.” He returned to Auckland and “re-opened negotiations” with the Maoris, “and after the dilatory proceedings which always” attended them, arranged to give the chief the Maukoro block with a Crown title in exchange for Puninga, for which the chief was to obtain a Crown title. The latter put his case before the Land Court, but so largely had civilization encroached upon the tribal domains while he was at Maukoro, that he could only prove a claim to 8000 acres. This was insufficient for Mr. Whitaker. The chief then negotiated (Whitaker deposed) “with other natives, and agreed to give them 5s. an acre, which they accepted. But the next difficulty was the money; Terapipipi declaring that he had none, and urging me to pay it, and he would repay. I advanced about £2000 for survey fees, and to buy up the outstanding claims, which was done. . . . In the mean time Terapipipi has made a selection at Maukoro, and I have had it surveyed, so that I am in a position to obtain a Crown grant on application; but I do not do so because Terapipipi wishes the Crown grant to be made in his name, which I cannot agree to till my title at Puninga is made good. Thus the matter stands at present.” Whitaker did not tell the Committee whether—while the matter was thus standing—interest for monies was destroying the native inheritance, but an item in his own claims for compensation, as put before the Committee on the 11th October, 1877, aroused the worst fears for the chief placed at his mercy: Date, November



15th, 1854. Purchaser (original), Abercrombie. Acres, 5000. Price, £2000. Date to June, 1876, 21 years 199 days. Simple interest at 10 per cent., £6309 0s. 10d. Compound interest at 10 per cent., £15,609 7s. 10d. It may be remembered that in 1873 Dr. Pollen made piteous moan for a chief who, for a small amount of survey fees (£150 or £200) was, by litigation, plundered of an estate of 30,000 acres. Association with some of his recent colleagues had hardened him in 1877. When examined before the Committee he became indignant. He was asked: "Did the Government think it desirable to acquire this block of land which witnesses say is apparently worthless, and to give up this Puninga block, part of which, we are told, was sold at £1 an acre by Mr. Whitaker before he acquired it?" He replied: "That is a question you can hardly expect me to answer. I think it is exceedingly undesirable that, as Chairman, you should put such a question to me. I expect courtesy at least, and not to be accused of dishonesty. My hands are infinitely cleaner of native land dealings than yours are." "My honour" (retorted the Chairman), "as a gentleman, in dealing with native lands, has never been impugned. What actuated the Government in making this exchange?" Dr. Pollen could give no explanation. Asked why Mr. Whitaker had been allowed "to acquire 4000 acres in addition to the 14,000 he was to get from the natives," he replied, "I cannot say." Yet he was able to say, "I think Mr. Whitaker has reason to complain that the agreement made with him by me, on the part of the Government, has not been carried out." Writers of fiction have drawn terrible pictures of the rapidity with which the human mind slides down an inclined plane when it has yielded to temptation. Yet surely nothing more lamentable has been seen than that the Pollen of 1863 and 1873 should be converted into the apologist of 1877. The picture has been necessary to show the condition of the colony. The state of the Maoris cannot be estimated without a knowledge of the arts of those by whom they were pursued, in the attorney's office, in the camp, and in council; and last, not least, where "waipiro" was brought to oppress them.

When the Parliament of New Zealand assembled, in July, 1878, the Governor congratulated it on the friendly relations

which "the Premier and the Native Minister" had established with "the leading chiefs" of the Waikato and Ngatimaniapoto tribes. He added: "The question of the survey and settlement of the west coast of this island has been firmly taken in hand, and the immediate survey of the Waimate Plains has been ordered." Measures for simplifying procedure in investigating native titles to lands "as well as their alienation" were promised. Electoral reform and adjustment of taxation would also be undertaken. By what obliquity of judgment or readiness to commit a wrong the Grey Ministry were led to announce so peremptorily the survey of the Waimate Plains it is difficult to understand. All men knew that Donald McLean had guaranteed possession to Maoris who might return to the land. Nor did their claims rest only on his words and the concurrence of the Government. A proclamation of peace, issued on the same day (2nd September, 1865) as that of confiscation, had announced, "the Governor will at once restore considerable quantities to those of the natives who wish to settle down upon their lands, to hold them under Crown grants, and to live under the protection of the law. For this purpose Commissioners will be sent forthwith, . . . who will put the natives who may desire it upon lands at once. . . ." The words "forthwith" and "at once" had indeed been neglected, but Donald McLean had so completely recognized the right of the returned Maoris to the confiscated lands that in 1875 he had negotiated for the purchase from them of 185,000 acres,<sup>1</sup> and full information of the conveyances to the Government was regularly given to Parliament. His system, if that could be called system which depended so much upon the blank charter entrusted to him by his colleagues and confirmed by the Parliament, was to invite all natives to return, to promise them undisturbed occupation of lands which they might settle upon, to purchase from those who claimed, under awards of the Lands Compensation Court, land at the rate of £1 an acre, and to rid himself of the general

<sup>1</sup> West Coast Commission, second report, 14th July, 1880.—N. Z. P. P. 1880; G. 2. A. A return (N. Z. P. P. 1879; A. 8, A.) showed that on the 10th July, 1879, "sums of money paid to natives within the confiscated block on deeds of conveyance to the Crown" were £54,412, on 434,702 acres.

rights of the tribe over particular areas by compensation not exceeding 5s. an acre. This rate, defined in 1872, was in 1876 raised by him to 7s. 6d. an acre, and the formal instructions which empowered the Civil Commissioner so to raise it dwelt especially on the fact that it was most important to secure for settlement the valuable plains between Waingongoro and Stoney river. Of those plains the Waimate were esteemed the most precious. The Civil Commissioner, Major Brown, encountered opposition in surveying the Waingongoro river, but negotiated successfully for several blocks to the south of that river. Added to former acquisitions by his predecessor, the concessions thus purchased within the confiscated boundary were 363,000 acres. In 1877 he reported that after finishing "south of the Waingongoro" he proposed to cross that river and settle the question of the Waimate Plains. At that date Dr. Pollen was Native Minister, and Major Atkinson was Premier. The method pursued by Major Brown and others was called bribery by some persons and gratuity by others. Its native name was *takoha*, or "spread abroad," but he dispensed some of it secretly. A portion he paid publicly to buy up the tribal rights, and a portion (he said) was "to cover the *mana* of the chiefs, which was privately paid."<sup>1</sup> To acquire the Waimate Plains large sums were disbursed, but Major Brown deposed (March, 1880) that he had gained nothing by his largesse. In 1878 he charged, to his Waimate Plains "*takoha*," account, £1000, which he had paid to a Ngatiawa chief to defray the cost of a feast at the Waitara, and he pleaded that Mr. Sheehan, the then Native Minister, considered such a charge justifiable although the native feasters were of the Ngatiawa tribe, and the Waimate Plains were the inheritance of the Ngatiruanui. Nor was this all. Close to the Waimate Plains was Titokowaru. He was

<sup>1</sup> Sir W. Fox and Sir F. D. Bell remarked on this statement: "As described by the Civil Commissioner in his evidence it was nothing but secret bribery." The Commissioners extracted from Brown the manner in which he paid public money to Titokowaru. They also ascertained it from the Under-Secretary for Native Affairs, who told them that but for the discoveries of the Commission it would not have been known that £2000, represented to the Audit Office as paid to certain natives by Major Brown, had not been paid to them, but devoted to purposes "not disclosed to the audit."



solicited by Brown, and consented to receive "takoha" for his "mana" over the Waimate Plains which was unquestionable. But when a voucher containing his name was seen at the Audit Office, it was returned "with the intimation (Brown testified) that no expenditure of public money to that individual could be passed." Brown was told to pay the money to the public account. He was equal to the occasion. Titokowaru's original name was Kohi Rangatira, and he was afterwards christened Hohepa. In the war he had taken the name of Titokowaru. A convenient Under-Secretary suggested to Brown that he "had better get the voucher signed in some other name." Ever since (quoth Brown) Titokowaru has signed as Hohepa and Kohi Rangatira, either jointly or separately." How the officer who would thus deceive his superiors would deal with the claims of Maoris may be surmised.

In the end of 1876, Brown, pleading that he had been so instructed by Sir Donald McLean, abandoned his practice of procuring deeds of cession, and relied upon "takoha," which he said was given as "compensation for former rights previous to the land becoming Crown land, through confiscation." Donald McLean resigned, and died soon afterwards, and the Native Department under Dr. Pollen continued the practice of bribing certain natives to surrender rights which by the proclamation of 2nd September, 1865, the Government professed to have confiscated, but which from 1872 to 1876 they purchased under deeds of cession. In 1877 Major Brown prepared, under order from the Atkinson Ministry, to survey the Waimate Plains. Sir George Grey became Premier in October, and the Maoris at Waimate objected to the survey of the Plains, though Brown reported that Titokowaru (who had received "takoha" from him) was "moderate" at a meeting on the 12th December. On the 3rd December, 1877, the Native Minister, Mr. Sheehan, directed Brown to "suspend the survey" until he might be further instructed. Te Whiti's influence had puzzled Brown, who declared afterwards: "As I got nearer to Parihaka (Te Whiti's home) I found the necessity for paying 'takoha' diminish. It diminished after I crossed the Waingongoro. I account for it by the influence of Te Whiti preventing natives from taking the money." One Blake had stirred the Maoris against Brown's

proceedings, and with the approval of the Atkinson Ministry, Brown, with the promise of £500, bribed Blake to desist.<sup>1</sup> Blake, nevertheless, in November, 1877, wrote to a Maori that it was "not right that the survey should be commenced first and the discussion should take place afterwards," and that he would see Sir G. Grey and Mr. Sheehan. Whether his efforts were influential or not was undiscovered by the Commission of 1880, but the survey was stopped by the Government, and it was understood that Mr. Sheehan would visit the spot in order to ascertain what reserves ought to be made. On the 22nd May, the Colonial Treasurer, Mr. Ballance, wanting money, asked Brown if he would recommend the immediate commencement of the survey. If the work were once undertaken, the "Government would sustain you by sufficient force." Mr. Macandrew, the Minister for Lands, submitted a minute to the Cabinet (22nd May): "My belief is that it will place in the Treasury close on half a million sterling." A strong detachment of armed constabulary ought to be sent to protect the surveyors, and Mr. Sheehan ought to be apprised of the intention to sell "—— unless he is of opinion that good policy absolutely forbids it." Macandrew's minute was approved on the understanding that nothing should be done until Mr. Sheehan had visited the district.

These proceedings strongly conflicted with the tenor of meetings which Sir George Grey and Mr. Sheehan had held with the Maoris in Tawhiao's territory. Rewi, Manuhiri, Tapihana, with hundreds of others, attended a preliminary meeting at Kopua. In May, a great meeting was held at Hikurangi, and the command of Tawhiao that no spirituous liquors should be there was obeyed. He had a body-guard of 100 men. He was friendly as ever, but recurred to the dead past in a way which he and all must have felt it impossible to revive. Sir George Grey told him that the Government would give him 500 acres of land at Ngaruawahia, near the grave of his father Potatau, would restore other lands for his people, would erect a house for him at Kawhia, and consult him as to surveys and roads. Tawhiao neither accepted nor rejected the proposals. His secretary, Te Ngakau, when Sir George Grey offered to

<sup>1</sup> N. Z. P. P. G. 2. West Coast Commission second report, section vi. 1880.

put them in writing, replied: "You can write them for us, but I have them in the tables of my memory." When Paora Tuhaere, who had accompanied the Europeans from Auckland, suggested that an answer might be given on that day or the next, Te Ngakau ominously replied: "You can go if you choose, and let us ponder upon the matter, however long we may do so." It was plain that the counsels of the chiefs dictated the words of the king. Nevertheless the Europeans generally thought the meeting successful, and high hopes were entertained. Rewi was not at Hikurangi, and Sir G. Grey with Mr. Sheehan visited him at Puniu afterwards. The imperious demeanour of Macandrew in demanding immediate sale of the Waimate Plains without any fulfilment of promises to the Maoris took place a few days after the Hikurangi meeting. In June, Sir G. Grey and Mr. Sheehan proceeded by sea from Wellington to the Waitara. With them went Wi Tako and others. It was hoped that all the chiefs of the west would assemble to meet them. Rewi, who had met General Pratt in arms in 1861 at the Waitara, travelled thither to discuss peaceful measures in 1878, but his demeanour was disconcerting. Before the assembled people he told Sir G. Grey that he "wanted the Waitara back." The meeting was friendly, but could not be called final. When it was concluded Mr. Sheehan travelled to the Waimate Plains to see Titokowaru and Te Whiti, who did not visit the Waitara. Sober and just, never in arms against the Queen, and worshipped by his countrymen, preaching continually that no blood should be shed, Te Whiti was considered by Mr. Sheehan impracticable if not mad. Mr. Sheehan thought it discreditable to Te Whiti's judgment that he had rebuked Titokowaru for taking "takoha" from the Government. With such opinions Mr. Sheehan thought Te Whiti was better at Parihaka than at Waitara, where "takoha" was profusely spread abroad. It was after these events that the Governor informed the Parliament that the immediate survey of Waimate had been ordered, although no steps had been taken to fulfil the pledges of the Government spread over 13 years. Both Houses expressed their thanks for the boon from which Mr. Macandrew expected half a million sterling. In August the survey was commenced. A chief protested in a friendly manner, and a deputation of



Maoris consulted Te Whiti, who told them "not to oppose the survey." The surveyor was delighted. Titokowaru was on good terms with him, but warned him that the Maoris would resist the cutting of any lines through their cultivated grounds. Mr. Sheehan promised the Maoris in distinct terms that "large reserves should be made for them, that their burial-places, cultivations, and fishing-grounds should be respected," and that ample "takoha" should be given to assist them in fencing their reserves and to promote their social improvement.<sup>1</sup>

Such was the aspect of affairs at the commencement of the session of 1878, in which no serious attempt was made to disturb the policy of the Government, although one or two impetuous members resented the stoppage of the survey of the Waimate Plains in 1877; and Mr. Fox occupied hours in deriding the laudatory accounts given of the native meetings and the influence of Sir G. Grey. The Government introduced an Electoral Bill, in which there was a clause enabling Maoris seized of land of the value of £25 to share the suffrage in ordinary electoral districts. Promptly this provision was denounced. Major Atkinson averred that by its means, "if the Government chose, there were not half a dozen constituencies in the North Island which could not be swamped by the Maori vote before this time next year." Mr. Fox thought it "very hard that the Europeans in a great many districts should be over-ridden by the Maori voters." Sutton, tormented by the difficulty of obtaining signatures to deeds of conveyance from Maori land-proprietors, was in terror at the possibility of 165 Maori owners exercising votes for a certain piece of land which if held by "a white man" would entitle him only to one. Mr. Ormond denounced the idea of "allowing the natives to exercise the privilege of the franchise for land held in communism." The clause was amended in the Council, and the Bill lapsed in the Lower House. Mr. Sheehan thought the arrangements for surveying the Waimate Plains so satisfactory in October, 1878, that he took credit in Parliament for having prevented interruption by firmly telling Te Whiti and Titokowaru that he "would go on with the survey no matter what they might

<sup>1</sup> West Coast Commission Report, G. 2. 1880.

determine." But he took no steps to fulfil the promises made by himself and his predecessors.

Before the session closed, on the 2nd November, 1878, the murder of a European (McLean) by a Maori (Hiroki) was reported. The murdered man was a cook for a survey-party near Waverley, not far from Waitotara, far to the south of the Waimate Plains, and no political influence was attached to the act. Hiroki fled, and his tribe offered to assist in capturing him. He was pursued, shot at and wounded. He took sanctuary at Parihaka, where Te Whiti refused to surrender him on the demand of Hiroki's tribe. The survey at Waimate was in progress. Neither Titokowaru nor others interfered with it. He even aided the surveyors with advice. But in February, 1879, the surveyors began to encroach with their lines. The chief surveyor, one Humphries, though told by Brown (Civil Commissioner) that a reserve of 2000 acres for the chief, Manaia, was promised, and that it was "to be left without being sectionized,"<sup>1</sup> determined to cut it up into sections, and Brown complied in December, 1878. The natives were alarmed. They had been promised reserves, and they saw the lands plotted out (apparently for sale) without any attempt to fulfil the promises of McLean, Brown, or Sheehan. "In December (Humphries testified) the surveyors were stopped by the natives. It was on account of the road going near to the native settlements." Confident that the Maoris could easily be crushed by the available forces, the despisers of Maori rights were not displeased at the prospect of collision which might at last sweep away the hated guarantees of the Waitangi treaty. But Mr. Brown essayed to overcome resistance by conference and "takoha," and pushed on his surveys where he could. He admitted that, having no instructions from the Government as to reserves, he "went on with the survey of the Waimate Plains without making any reserves."<sup>2</sup> In February a surveyor was interrupted near a native settlement, Mawhitiwhiti, on the

<sup>1</sup> Humphries' own language (Answers 1002, &c.). West Coast Commission Report.—N. Z. P. P. 1880.

<sup>2</sup> West Coast Commission Report (Answer 656). He added that he informed the Maoris that they "could have the lands which they had under cultivation."

border of the Plains. "Two old Maoris chased the men with long-handled fern-hooks," and some, "mostly women, closed round the men" and succeeded in taking away an axe. The surveyor said they were very excited, and "it was useless to talk to them, and *very unfortunate that this line should run through their cultivations*, as Titokowaru had said the day before that they would resist any lines being cut through their cultivations. The meridian line is right into one the first thing, and is likely to go into several."<sup>1</sup> Brown had received a telegram (15th January) from Sir George Grey, suggesting that before concluding as to reserves at the Plains, "the Government should have the proposals before them and consider them." Brown then asked the surveyor, Humphries, "to go round the lands which the natives had under cultivation or in occupation; but he said he could not do so; he must survey them, and then (Humphries) could submit them to the Government."<sup>2</sup> Brown was aware that "one road was surveyed through cultivated and fenced land belonging to Titokowaru."<sup>3</sup> He said he "did not anticipate objection;" but (1880) inconsistently informed the West Coast Commission that he was not surprised that the natives felt "anxious at the survey being taken so near to their settlements."<sup>4</sup> He complained afterwards that Sir George Grey's telegram restrained him in making reserves, but was reminded that he could have requested that his instructions might be modified, and had not done so. Whether his motives were sinister or not, there is no doubt as to the tendency of his deeds. They may be told in the words of the West Coast Commissioners (1880), Sir W. Fox and Sir F. D. Bell: "On the 12th March, one of the surveyors reported that the section-pegs were rapidly disappearing from one of the blocks, and that from station to station for several miles the pegs had all been pulled up. The surveyor to whom this happened would not allow that the changed conduct of the natives was connected with his laying off a road-line near Titokowaru's settlement at Okaiawa; but after careful inquiry we ourselves entertain no doubt that this road was a principal cause of the surveyor's being turned off the plains. When the road approached Titokowaru's clearings,

<sup>1</sup> West Coast Commission Report. Answer 1016.

<sup>2</sup> Answer 659.

<sup>3</sup> Answer 671.

<sup>4</sup> Answer 677.



his grass-paddocks and his village, the surveyor, for engineering reasons, which certainly appear to us very inadequate, insisted on taking this road-line in a direction where it cut into a large fenced enclosure, sown with English cocksfoot grass, a yearly source of income. Captain Wilson, at the request of Titokowaru, interfered, but without avail, and the line was taken in the direction to which the chief had objected. It had only just been finished when he left for Parihaka, and within a fortnight the surveyors were all removed. Later on your Excellency's attention will be called to what Te Whiti thought of it, and the effect it had upon him. . . . But though this unlucky step alienated Titokowaru and lost us the benefit of his friendly influence, there was a far more wide-spread cause of dissatisfaction influencing the whole body of the natives interested in the Waimate Plains. This was the omission of the Government to make proper reserves for them." (McLean's and Sheehan's promises having been cited, the Commissioners added): "When the natives saw the survey of sections for sale nearly completed, and not only no sign of their reserves being made, but, on the contrary, silence maintained by the Commissioner and the surveyors on the subject; and when they heard that the surveyed land was to be offered for sale, they probably thought it was time to forbid any further progress, so they (24th March) quietly removed all the surveyors to the south side of the Waingongoro river."

The reader who remembers how Te Rangitake was forced into armed resistance at the Waitara will have no difficulty in understanding the "engineering reasons" which led to an invasion of Titokowaru's enclosures. "We can come to no other conclusion (said the Commissioners) than that it is true both in the letter and the spirit that no reserves were made either previous to the commencement or during the progress of the surveys; that none were ever marked off on the ground, nor on any plan except in the manner just described,<sup>1</sup> and that not even those marked on the plan were ever made known to the

<sup>1</sup> After the stoppage of the surveys Major Brown went to Wellington and marked on a plan some proposed reserves, but neither the surveyor nor the Commissioner of Crown Lands of the district heard anything about them until they were made known to them by the West Coast Commission in 1880.

natives." Mr. Sheehan went to Parihaka, but produced no impression on Te Whiti, though he discoursed much with him (22nd March) as to the land. Sheehan demanded the surrender of Hiroki, and Te Whiti, who seemed to have as little respect for Sheehan as Sheehan had for him,<sup>1</sup> replied that Hiroki might be an honest man, whereas the conduct of Sheehan and the Government was not honest with regard to the land. No sooner was the conference concluded than Te Whiti's determination resolved itself into action. On the 24th March, a surveyor was told that as Te Whiti had overcome Sheehan in debate the surveyors must retreat to the south of the Waingongoro. On the 25th, with courtesy on both sides, the various surveyors were escorted from the district, having been warned by the Civil Commissioner not to leave the Plains of their own accord, but not to oppose force. It was understood that the expulsion was by order of Te Whiti. One surveyor reported to Humphries: "The natives came to remove my camp, and I was very much pleased with their quiet behaviour, the utmost good humour prevailing on both sides." The next step taken by the Government almost entitled them to the character they imputed to Te Whiti. Without having made any arrangements as to reserves, burial-places, cultivations, or fishing-grounds, and without having sketched their intentions on any map, they advertised for sale 16,000 acres at the Waimate Plains. The Treasurer was to make reprisals by the hammer of the auctioneer. A Land Act (1877) had declared confiscated lands to be Crown lands, and the Local Land Boards in each provincial district were the administrators through whom the Government acted. Mr. Ballance, by telegram (25th March), directed the Commissioner of Crown Lands to call an "emergency meeting of the Taranaki Land Board to arrange for the sale of the Plains within the

<sup>1</sup> Taunted with this in the House by Sir W. Fox, Mr. Sheehan retorted that the stealing of the land was done by Fox's friends, and that Te Whiti, who was not to be treated as a sane man, was upbraiding the action of past Governments rather than the existing one. Colonel Whitmore concurred in doubting whether Te Whiti was "responsible for his own actions;" but Dr. Pollen replied (July, 1879): "He has a wonderful method in his madness, and he is now putting the Government most completely in the wrong, and in every step, it appears to me, which they are taking, they are playing Te Whiti's game."

next few weeks. Draft preliminary advertisement will be telegraphed to you immediately." The Board met forthwith—well aware that on the previous day surveyors had been expelled from the Plains—"resolved to look upon the act of the Ministry as one of public policy," complied with Mr. Ballance's desire to advertise 16,000 acres at Waimate to be sold by public auction at Patea on the 6th May, declared the land to be of special agricultural value, and recorded that their acts were not done *proprio motu*, but to conform to the Treasurer's will. The advertisement was promulgated in New Zealand on the 26th March, and was forwarded for publication in Australia. The Commissioner of Crown Lands implored for instructions as to reserves for natives, and "details of cash, and deferred payment sections." He only received answers as to the latter, Mr. Ballance being in want of money, and careless about burial-grounds. The Taranaki Land Board met his views on the 2nd April. On the same day Major Brown (in Wellington) came to the conclusion that it might be prudent to seem to provide reserves, and he went to the Survey Office and marked off about 3000 acres as reserves on a map, but he did not acquaint his own officers, nor the surveyors, nor the Taranaki Land Board, nor the natives, with the fact. It could hardly be hoped that such rash proceedings would escape public attention, or be altogether concurred with by Sir George Grey, who after an angry scene with his Treasurer suspended the proceedings at Waimate.

The Government deputed Mr. James Mackay (accompanied by Blake) to visit Te Whiti. They arrived at Parihaka on the 1st April. On the 2nd, Mackay tried his eloquence with Te Whiti. Indulging in historic illustrations, he was checked by Te Whiti's saying: "Cease to speak metaphorically, say plainly what you want." He wanted to make amicable arrangements about the land. "The land is mine," said Te Whiti. "I do not admit your right to survey it. My blanket is mine. Think you it would be right for you to try to drag it from my body, and clothe yourself with it? If I attempted to tear your coat from your back you would resist, and would not be to blame. What right have I forcibly to wrench your coat from you?" Mackay retorted that he did not ask for the whole of the



blanket. Let Te Whiti spread the blanket as he had spread the mat on which Mackay sat, and let the Governor and Te Whiti sit down in friendship. The chief replied: "That argument fails. You want to cut up my blanket. It will then be too small for me. I have already given up enough land to the Governor. He should be content with all that he has between Waitotara and Waingongoro. Pull off your trowsers. Give me one leg, and keep the other. You hesitate. Do it at once; let me have one leg, you can keep one of your legs, and we shall walk about together." Mackay retorted that Te Whiti's ironical suggestion would rend the trowsers. The Government would persist in the survey; and, if Te Whiti should resist the trowsers would be torn. Te Whiti's eyes flashed. "The land belongs not to the Government, but to me. I told Major Brown to take away his guns. He said he had none. He misunderstood me. He thought I meant fire-arms. The surveyors themselves are the guns; that is, they will cause guns to be used. I want not war. All I want is to be allowed to remain at peace on my own land. If you try to take the eggs from under a hen she will peck at your hand, and you would not rail at her for protecting her young. The eggs are my land. You would wrongfully steal it from me. I defend it. You say I am a murderer. I say it is the Government who are thieves."

Mackay responded that if the egg-stealer were vexed at being pecked he would kill the hen, and there could then be no doubt as to the ownership. Better far would it be to investigate the matter first; for, after fighting, no investigation could be made. Let Te Whiti remember the confiscation of Waikato land after the war. Te Whiti "cared not to know about the peacemakings at Waikato. I gave up land from Waitotara to Waingongoro<sup>1</sup> under arrangements with Donald MacLean and Parris. That ought to satisfy you. Parris also paid money to Maoris for land now held by the Government. . . . Waimate was untouched. Waingongoro was the boundary. I turned the surveyors off quietly because they had no right on my land. I made no terms with the Government that they should claim my property. You spoke of the good intentions of the Government. Tell the

<sup>1</sup> There was a side-issue about land between those rivers, with which it is not necessary to encumber the narrative.

Governor not to insist on the survey and I will remain in peace on my land. I do not go on your land to disturb you. Why do you interfere with me in the occupation of mine? . . . As you came hither, Blake, did you show Mackay the line cut through the cultivations at the door of Titokowaru's house? (Captain Blake.—Yes, we saw that.) Where then is the piece to be retained by the Maoris? Where are the promises of McLean and Parris that the lands in the occupation of the natives should not be taken from them? But for the expulsion of the surveyors we should receive no consideration at the hands of the Government. . . . You say, Let me and the Governor sit down on the blanket together. The Governor will not do that: he is dragging it all away for himself. . . . You know in your own mind that I have right on my side." After further colloquy, Te Whiti asked: "Are you authorized by the Government to offer me a part of my land and agree for them to take the other part?" Mackay replied: "I am not authorized to make any definite proposal, but will convey to the Government any suggestion you may make." "You had better get the Government (answered Te Whiti) to fix their proposals. Not I, but they are active in the matter. I am living quietly on my land." On the 4th April, Mackay telegraphed the result of his interview, and on the same day the Government withdrew the advertisement of the sale of the Plains. On the 24th April, it was announced that the sale was "postponed until further notice." There were thousands in New Zealand who knew nothing of Maori affairs; but of those who knew anything about them there could be none who did not see that, after the proclamations and promises of the Government, the invasion of Titokowaru's homestead was a gross breach of faith, even if it had not been inherently wrong.

Mackay (4th April) reported that the natives were dissatisfied because Crown grants awarded to them by the Compensation Court in 1866 had not been issued; because the title to lands confiscated by the Government, and afterwards abandoned, had not been determined; because promises were not regarded by Government; because the Government, having kept no accurate record of their promises, were "unwittingly" diverging "from previous understandings and arrangements;" because Te Whiti

feared that the measure applied to Waimate would be applied to Parihaka; and because natives dwelling on lands reserved for them at Patea had been told that they were only allowed to dwell there on sufferance. He recommended the appointment of a mixed commission of Europeans and Maoris to examine the "whole question of confiscated lands from Waitotara to Tataraimaka," to confirm previous awards, to ascertain the proper grantees, and to take evidence as to previous promises of the Government or its officers. He believed that Te Whiti (whose "countenance wore a very eager expression" when he asked if Mackay had authority to offer a part of the land) would enter into such an arrangement. Mr. Sheehan thanked Mackay, and announced that he had "provisionally" "speckled" the map with reserves. He would recommend reserves of at least one-fourth of the land. That which should have been done before undertaking the survey he was willing to do after its interruption. He hastened to Taranaki to discuss with Major Brown and Parris in the presence of Mackay "the question of unfulfilled promises in respect of lands between the Waitotara river on the south, and the White Cliffs on the north." The result may be summed up in Mr. Sheehan's own words in Parliament (23rd July, 1879): "I was not aware in 1878, nor was the country aware, nor do I believe the House knows as a fact, what the exact position of those lands on the west coast was. It has only been made clear to us by the interruption of the surveys. It turns out that from the White Cliffs down to Waitotara<sup>1</sup> the whole country is strewn with unfulfilled promises." (He gave an instance of gross breach of faith and added), "from Hawera to Waingongoro and down to Waitotara, similar cases have occurred. . . . As a matter of fact grants have been kept back until the people have come to the conclusion that the whole thing is a sham and a delusion." His report from Taranaki to his colleagues in April, 1879, attributed influence to Te Whiti which he ought to have discovered earlier. It was "the most important and powerful of all" elements of disturbance. "There can be no question as to the immense ascendancy which this remarkable man has obtained over his people. . . . It is a moot point whether he is a believer in his own fanaticism, or whether

<sup>1</sup> Misprinted Waitara in the New Zealand 'Hansard.'



he is not, under the guise of a prophet, endeavouring to become the saviour of the lands of himself and his own particular following. As a fact, it is well known that he looks down upon Tawhiao and the Waikato people, characterizing them as degraded." The time for meeting Tawhiao was approaching, and Mr. Sheehan left Mackay to prosecute inquiries, and to give incredible assurances that promises would be fulfilled. On the 6th May, Mackay reported that although Te Whiti and Titokowaru denied the right of the Crown to any confiscated lands, others were willing to concur in any arrangement to fulfil the pledges of the Government, and that their grievances were "the outcome of a series of mistakes and negligences extending over the past thirteen years." Blake reported, at a later date, that Brown's repeated assertions that "the strong hand had taken and would keep the lands," had alarmed even friendly natives; and that the mistake at Waimate was that the "arbitrary system was entered upon first, instead of adopting the conciliatory plan to commence with." Mackay was afterwards employed as "a Commissioner to investigate claims for fulfilment of alleged promises,"<sup>1</sup> but did not visit Te Whiti. On the 22nd June, he "invited Te Whiti to have a private talk, but had no reply." Te Whiti had by that time embarked on a new course which startled friends and foes.<sup>2</sup> Before describing it Sir George Grey's meeting with the Waikato tribes must be mentioned. It was rumoured that skilful linguists and political enemies intrigued to thwart him. Interpreters of former times were banded with the disaffected; and speculators who lusted for large tracts of Maori lands shrunk from the thought that peaceful arrangements might be made by Sir George Grey, the avowed opponent of their schemes. On the 6th May, 1879, 5000 natives were gathered at Kopua. Tawhiao had an armed body-guard of 180 men. Rewi, Wahanui, Te Heu Heu of

<sup>1</sup> West Coast Commission, 1880, second report, p. xxii.

<sup>2</sup> A newspaper remarked on his interview with Mackay in April: "Here we have Te Whiti and his people acting with cunning, skill, and diplomatic tact, far and away superior to that shown on the opposite side, and at the same time talking about supernatural aid and miraculous interferences in a way which one would not expect to hear out of a lunatic asylum. . . . Mr. Mackay has found Te Whiti uncommonly sharp when he came to talk business."

Taupo, Te Ngakau, and the keen Tapihana were present. With the party of the Government were Te Wheoro and Rangihiwini, the Rev. Heta Tarawiti, the fast friend of Bishop Selwyn, and many others. The aged Manuhiri was at Kopua, but brooded in his tent. Sons of the king-maker, Waharoa, were there, but they appeared as allies of Sir George Grey. So also did Topia Turoa, who had with Rangihiwini chased Te Kooti from his places of strength, and who with his old comrade in arms and Mete Kingi now represented Wanganui as friendly to the Hikurangi propositions. Hori Tupaea from Ngaiterangi, who may be remembered as having been for a brief period seduced to join the Hau Hau superstition, now about fourscore years of age, lent his countenance to the Government. Ngatiraukawa sent Hitire Paerato, known in the Waikato war, and others. Ngatiwhatua sent the genial Paora Tuhaere, Paraone Ngaweke, Arama Karaka and others. Ngatipaoa was represented by Waata Tipa, Puhata and others. Ngatitamatera sent old Tukukino (whom the Thames County Council laboured to coerce as to forming a road) and others. The Rarawa and Ngapuhi, ever proud of their unshaken loyalty to the Queen and confident in the wisdom of the treaty of Waitangi, sent Tawhai, Tawiti (a member of the New Zealand Parliament), and many more. The Arawa sent Wiremu Maihi Te Rangikaheke, learned in ancient lore, with Te Pukuatua and others. The Ngatituwharetoa, once governed by the gigantic Te Heu Heu, sent the modern bearer of his name, with another well known in New Zealand annals, Poihipi Tukairangi, and other chiefs. The Ngatiraukawa, who dwelt on the southern lands which old Rauparaha invited their fathers to possess, sent Te Rauhihi, Te Kapukai and others. Of the Whakatohea, Ngatiawa, Ngatika-hungunu, Rongowhakaata, Ngarauru, and Ngatiporou there were representatives, but Ropata who carved his title by his own deeds was not present. The chiefs joined in prohibiting the use of spirituous liquors at Kopua, and if Donald McLean's information of former time about Tawhiao's habits was true, the prohibition proved that the chiefs controlled the king. It was significant that Tawhiao<sup>1</sup> was, during the meeting, sedulously guarded from free converse with Sir George Grey's friends. Whenever

<sup>1</sup> Official and other reports.

he moved from his quarters, many of his guard went with him. Te Ngakau appeared to be the soul of opposition, and it was averred that he insisted that promises would dwindle to nothing, and that every provision which might be made would, under some pretext, be violated by Sir George Grey or the Parliament. Rewi was deemed loyal to all his professions, and to counteract his influence, the English plotters against Grey strove to create discord between Rewi and Tawhiao. When the conference formally commenced, on the 7th May, Rewi was active in marshalling the people generally, but Te Ngakau preceded the king with a band of young men dressed with feathers, and Wahanui accompanied his king. Tawhiao, adorned with feathers (after prayers, in which only his soldiers joined), rose and invited all the people from the South to the North Cape to listen. . . . "The word is this. Potatau alone is the ancestor of all people. He alone is the chief of this island—of you all—and you cannot deny it. The whole of this country was his. There is another one. Rewi is there on that side, or on this side. . . . He is one, and I am another. . . . These are my counsellors. Therefore I say the land is mine. I alone have the right to manage the affairs of my country. . . . A letter from the Queen was received by Potatau, stating that Europeans were coming hither, and he replied, 'Let them not come.' They were told to stay away. . . . I say this. Sir George Grey has no right to conduct affairs on this island, but I have the sole right. . . . I do not consent to any of the arrangements which prevail. . . . One of them is the bringing of war into this country. It must be removed utterly. We must have no fighting whatever; whether about roads, leases, or anything else. . . . All foreign innovations must be swept away. There will then be no evils."

Rewi rose from his seat, walked to Tawhiao, and sat near him. Whether patriotism, treachery, or malice had worked singly or in combination the result was undoubted. Sir George Grey had failed. There was a pause. Tawhiao's people said prayers. Wahanui oracularly declared that what Tawhiao had said would not be added to on that day. The eloquent Te Rangikaheke recited a chant, apparently friendly. At intervals he was responded to. Te Heu Heu announced his adherence to the words of Tawhiao. After brief speeches the discussion was



adjourned till the morrow. The silent Sir G. Grey must have reflected wistfully upon the days when he alone wielded the Queen's authority in the land, and when the treacherous seizure of Rauparaha created lasting distrust of his captor. On subsequent days Tawhiao was absent; but, in the order proposed by the genial Te Wheoro, the chiefs of Aupouri, Rarawa, Ngapuhi, Ngatiwhatua, Hauraki, Arawa, Taupo, Tauranga, Ngatiporou, and numerous tribes, including those on the west coast, spoke tribe by tribe. Tawhiao's claim to the whole island was rejected by many. They clung to the treaty of Waitangi and the authority of the Queen. On the 9th, Sir G. Grey said that Tawhiao had been answered by those who rejected Tawhiao's claim, and he rejected it also. Wahanui insinuated that takoha was the bribe with which Sir G. Grey sought to seduce the Maoris, and was vigorously answered by Paora Tuhaere and others. To the question—Who was to blame for past strife—Sir G. Grey answered: "Let him who is without sin among you cast the first stone. Rewi has asked: 'Why the difference between the words of to-day and those at Hikurangi a year ago? To that I say there is no difference on our part. Let those who have complaints to make stand up and state them openly here.'" Aporo vehemently replied that Rewi and Sir G. Grey had shed precious blood, that Tawhiao only could give blessings, and that, even since the meeting at Hikurangi, attempts had been made to form a road through the land of the king, in defiance alike of what was right and of the pledges at Hikurangi. Then Rewi defended himself. He had been a man of war and shed blood; but, for the salvation of his people, had now grasped the hand of another, Grey, who had shed blood also. Some people thought that he had been tempted by lucre. "I say no. My treasure is my land. I hold Sir G. Grey, because he was my opponent. . . . I will hold to him because we can arrange matters and devise the means for living in peace. . . . When this work is done, I will turn to the matters of my soul. I will build up my spirit. . . ." Sir G. Grey then spoke of his friendship with Potatau, from whom he never differed. There would never have been war in Waikato if Grey had remained in the island. He looked on Tawhiao as his own child. Love for the people of the island was the bond between

Rewi and himself. Wicked men had arisen to spread false reports about Rewi and himself. Those reports were untruths. With Tawhiao's declaration that there should be no more fighting he was delighted. There spoke a son worthy of his father. On the 12th, the final discussion took place. Wahanui denied that the arguments of Tawhiao's friends had been refuted, and was answered by Paora Tuhaere, who but for the "shadowed livery of the burnished sun" was a fit representative of a burly English country gentleman. Tawhiao was present, but left Wahanui and Te Ngakau to reiterate their arguments. At the close Sir G. Grey strove to confute Aporo's attack about the road, and infelicitously pointed out, that as the servant of New Zealand he could not have refused to make the road when the Parliament directed that it should be made. He reminded the meeting of his offers at Hikurangi, and eloquently represented their advantages. If they should not be accepted now, they would be cancelled, and any further arrangement would have to be made upon some new proposition. On the following morning he wrote to Tawhiao that he was about to leave—"not in anger, but sorrow, because you have not been wise enough to accept the benefits offered to you, and because the hope which I have cherished for years that I might be the means of placing yourself and your people in a condition of prosperity and peace has been again deferred." Tawhiao made no sign, but Te Ngakau at the place of meeting endeavoured to persuade the visiting Maoris to remain. They paid no heed to him, and the Kopua conference ended as fruitlessly as all the efforts of Donald McLean, so far as Tawhiao was concerned. Rewi, indeed, had assumed a more friendly attitude than of old—had publicly justified his conduct before the tribes, and was supposed to have a limited authority from Tawhiao to deal with certain disputes. But on the whole it was clear that the chiefs preferred silent if not sullen isolation to mingling with the invaders. Their difficulty was to maintain it against the cupidity of a few of their own people and the intrigues of Europeans. Tribal tenure was the mainstay of the Maoris, and was therefore the object of hatred to those who, like Mr. C. W. Richmond and Mr. Whitaker, sought to sap the rights guaranteed by the Queen in the treaty of Waitangi. Wahanui and others bitterly complained

in their speeches at Kopua that Sir G. Grey and others had severed the Maoris from the Queen. "It is urged that we should become one under her shadow. That is right, for she is my mother; but who severed this unity and caused war? It was not the Maori, but Grey and his friends." The seizure of Rauparaha, moreover, could never be forgotten. Many persons believed that Tawhiao's rejection of Sir G. Grey's overtures was brought about by intrigues of Grey's enemies, amongst whom was reckoned Mr. C. O. Davis the Maori scholar, whom Mr. Sheehan had offended. Major Mair had been dispensed with by the over-confident Sheehan, and as Mair resided at Alexandra, on the border of Tawhiao's territory, he could easily exercise the considerable influence he possessed. Perhaps when he dismissed him, Mr. Sheehan more lightly esteemed Mair's powers than when the Ministers returned crestfallen from Kopua. In Parliament (July, 1879) he said: "That the change in the king's notions as to the terms of settlement was a change brought about by evil counsels at the last possible moment."

It is to be noticed that at Kopua Te Whiti's wrongs were not discussed by the Waikato chiefs. They may have reciprocated his reported contempt for them. He now took a singular step. He had expelled the surveyors in the end of March, having previously treated Mr. Sheehan with indignity. He saw the discomfiture of the ministerial policy when, on the 13th May, Sir G. Grey and Mr. Sheehan left Kopua. He may have anticipated their political downfall. He certainly desired to attract attention to the manner in which titles guaranteed to the Maoris had been withheld or violated on the west coast. Mr. Sheehan busily cultivated the friendship of Rewi, who went to Cambridge, reviewed at Awamutu (whence he once expelled Mr. Gorst) an European troop of cavalry, complimented them on their appearance, and informed them that their vocation was gone, for that thenceforward peace was to prevail. Mr. Sheehan contemplated with satisfaction the effect of a visit to Auckland. A few days before Rewi arrived there<sup>1</sup>, Mr. Sheehan's hopes were rudely

<sup>1</sup> Crowds assembled to see the old warrior, who had not been in Auckland for 20 years. The Mayor welcomed him with a speech, and the citizens awaited his reply. It was not on a railway platform, or to such an audience, that the old man poured out his words. He said: "My reply will be brief—a descendant of Motai will yet journey on the sands of Hakerekere."



dashed by Te Whiti, although some days elapsed before the settlers ascertained that Te Whiti was the author of their astonishment. On the 26th May, Maoris invaded a farm at Oakura, and ploughed up grass-lands. Telegrams were sent to Sir G. Grey. Alarm was general, but no violence was displayed towards the settlers. The 'Taranaki Herald' declared that "if it should come to fighting, then we have very little hesitation in saying the struggle will be a short one, and afterwards this district will never more receive a check to its progress from the same cause." An Auckland newspaper, admitting that "the first shot fired would mean disaster to New Zealand," declared that rather than allow "the natives to go on as they are now doing, it would be better to have a war and to be done with it." The ploughing went on, and the ploughers said "it was done in order to force a settlement, and that Te Whiti only wanted the Governor to come to settle affairs."<sup>1</sup> Far and wide, from the White Cliffs to Hawera, the ploughmen worked, commencing before sunrise and taking away their ploughs in the evening. Great numbers of Te Whiti's followers congregated at Parihaka. The Government strengthened their armed forces, and made arrangements to procure Maori allies from the east coast. Mr. Parris went to Te Whiti, and was told that the prophet did not desire hostilities, but to bring the land question to an issue. It was not against settlers, but against the Government, that his measures were directed. The Governor, with Sir G. Grey and Col. Whitmore, went to Taranaki to concert measures for defence in case of need. The Taranaki magistrates reported

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It was supposed that this ancient proverb implied confidence that Rewi would accomplish his task. He was feasted, and visited public places. At the gaol he desired to see some Maori prisoners. He gravely told them that their own faults had justly brought them there, but that as the law of the Pakeha enabled them to shorten their imprisonment, he advised them to behave well so that they might return to their homes, where he told them "to sin no more." He made longer speeches at banquets. The Governor, Sir Hercules Robinson, visited Auckland, and Rewi returned to Waikato in his company.

<sup>1</sup> West Coast Commission (1880), second report, section viii. It was admitted by the Commissioners that Te Whiti's object was to test the "legality of the confiscation." "We of course knew from the first (3rd report, p. 3) that it would be contested before us by the adherents of Te Whiti. . . . We therefore refused to hear counsel who wished to question it."

that the country should be put into "the most complete state of defence," and "the settlers should be armed." If the natives persisted in "molesting property" they would be shot down. An Auckland newspaper, however, said it was impossible to use violence until the allegations of the natives had been investigated. "In the Waitara case our troops drove off Te Rangitake and his people, and destroyed his villages and cultivations; and years after, and after a bloody and protracted war, we found we had been all wrong. It would be a pity if something like the same mistake were committed now." In June, Te Whiti spoke with fervour about his mission from heaven. "Come to me and be saved. So long as you remain with me, no man can harm you. . . . If any man molests me, I will talk with my weapon—the tongue. I will not resist the soldiers if they come. I would gladly let them crucify me." To the ploughman he said: "Go, put your hands to the plough. Look not back. If any come with guns and swords, be not afraid. If they smite you, smite not in return. If they rend you, be not discouraged. Another will take up the good work. If evil thoughts fill the minds of the settlers, and they flee from their farms to the town as in the war of old, enter not you into their houses, touch not their goods nor their cattle. My eye is over all. I will detect the thief, and the punishment shall be like that which fell upon Ananias." Seeing the wonder of the reporters, he rebuked them for their eagerness to note mundane things and their disregard of the word of the Spirit. A few days after this meeting Sir G. Grey telegraphed his consent "to the removal of the ploughers without any unnecessary disturbance" (22nd June). On the 23rd, he sanctioned the removal of the ploughmen by settlers, but said that arrests under warrant should be made by the police or by the armed constabulary. On the 25th, he authorized the police to arrest the ploughmen, if disturbance should seem probable, and at once to bring a charge against them. Arrests were made. The prisoners were willing captives. Day by day fresh ploughmen appeared with joyful faces, and entreated to be taken. Some Taranaki settlers, surprised at the demeanour of the Maoris, and confident in the armed force at hand, proposed an attack upon Te Whiti. But the Government were not able to indict the prisoners they held, and

they would have been in worse plight, logically, if they could have seized Te Whiti in his home. Moreover, it was suspected that if he should be arrested, the demon of revenge might be aroused among his followers. The Poverty Bay Massacre by Te Kooti was remembered. Before many weeks had elapsed 200 willing captives<sup>1</sup> had been sent to Carlyle and to Wellington, nominally for trial, although the authorities knew not how to arraign them. Many were stalwart men, and their enemies took comfort in the thought that in case of war they could not take the field. On the other hand, there was discontent at the cost of maintaining so large an armed force without using it. At the end of 1879 it was computed that the expense was at the rate of £200,000 a year.

The Treasury was in straits, and a sale of rich lands might replenish it. A treaty and the word of the Queen were in the way. Governor after Governor, Native Minister after Native Minister, had abounded in pledges. The pledges had not been kept, and if the Maoris would but have died quickly enough, there would have been no need to keep faith. If they would not die they must be killed. After all, so much had been already done at Taranaki that an additional atrocity might escape condemnation. It was but the complement of acts of former Ministries, sanctioned by a Secretary of State. They had smitten the Maori body, their successors must bury it. He was a poor assassin who scrupled to get rid of the corpse of his victim. Such was the impulse of the worse spirits which had never been wanting in the land since the days when Colonel Wakefield struck his foul bargains. There were others who were weary of obstacles to what they called the progress of

<sup>1</sup> Among them was Matakatea. He was known to have saved the lives of European men, women, and children wrecked on the coast during the Taranaki war. He was afterwards ill-treated by General Chute, although not implicated in the war. Sir George Grey testified that none of his or of Arama Karaka's land was confiscated, and that a solemn promise was given to them that none of their land should be taken. Several members, Sir W. Fox, Mr. Rolleston, &c., visited Matakatea in prison. Mr. Rolleston declared in the House (18th July) that "the world would declare it a terrible thing that the blundering of any Ministry should have brought about such a result, that a man who deserved so well of the British people should now be in gaol." After Sir W. Fox's conduct to the prisoners of war taken at Rangariri, his sympathy was questionable.



New Zealand. They did not desire the slaughter of the Maoris. They only wanted their land. The highest good was anise and cummin of exports and imports, and weightier matters of judgment, mercy, and faith were not compatible with the public works policy to which New Zealand was committed. The public debt was large, and the interest heavy. Mercantile faith must be maintained. Debtor and creditor accounts were nearer to them than righteousness or judgment to come. Those who deny the proneness of mankind to degeneracy might find refutation of their theory in the large numbers of colonists who thus, throughout New Zealand, succumbed to the greedy schemes of outspoken foes of the Maori race. There were thousands who knew no more of the rise, progress, and condition of affairs at Taranaki than was known in a provincial town in England. But all watched the progress of events sedulously recorded in the newspapers. Sometimes they read that Te Whiti's influence waned because his followers were in prison: sometimes that the wily prophet was acting on opinions of eminent lawyers. When ploughmen were no longer arrested but quietly removed, Te Whiti still enjoined peacefulness. Ploughing was commenced in various places after being stopped in others. Mr. Mackay continued his inquiries as to the broken promises of the Government; and in August, when the ploughing ceased, political events had shaken the Ministry. They placed Tairaroa in the Legislative Council, and his seat for the southern Maori district was filled by Tainui after a contest. The Parliament was to meet in July. The resignation of Mr. Stout, the Attorney-General, was said to be owing to private arrangements; but rumour imputed it to disputes in the Cabinet. In the end of June the Treasurer, Mr. Ballance, resigned, and it could not be denied that serious differences had arisen. His determination to sell the Waimate Plains without regard to pledges of the Government had caused an angry scene between himself and Sir George Grey in March. Another occurred on the 25th June about departmental affairs, and on the 30th Mr. Ballance resigned. The public were not surprised; for after the withdrawal of the advertisement of the Waimate sale, a violent attack had been made upon Sir George Grey in a newspaper over which Mr. Ballance was believed to exercise influence.

Without an Attorney-General, and undertaking the duties of Treasurer at a few days' notice, Sir George Grey met the powerful Opposition which had been maturing its plans against him. Mr. Gisborne, member for Totara, became Minister for Mines and Immigration, and Mr. Thomson became Minister of Lands. The Marquis of Normanby had prorogued the Parliament in November. A new Governor, Sir Hercules Robinson, convened it in July. The Speaker of the Council, Sir John Richardson, had died, and in June, 1879, Sir William Fitzherbert, the Speaker of the House of Representatives, accepted the Speakership of the Council. Sir George Grey moved that Mr. O'Rorke (who had scornfully severed his connection with Vogel's Ministry) be Speaker. Major Atkinson echoed the statement that all O'Rorke's decisions would be honourably impartial, and Mr. O'Rorke was unanimously elected. The wily Whitaker took occasion to congratulate the Speaker elect, although he had "invariably been opposed" to him in politics. The Governor's speech promised a measure to secure manhood suffrage for Europeans, and a ratepayer's vote for Maoris. Native lands would be dealt with, after inquiry. The fanaticism on the west coast had "assumed an alarming appearance," but steps had been taken to ensure peace, and it was "possible that a peaceful solution would be found." Tawhiao was still friendly, and "the well-known chief, Rewi, had given further important proofs of good faith and loyalty. The attitude taken by him affords a guarantee for the continuance of peace, and the maintenance of this would, in a short time, lead to the opening up of the interior for settlement." The general revenue was flourishing, but that derived from land had fallen off. An income-tax would be proposed, and a Loan Bill to raise £5,000,000 for construction of railways. A Bill to deprive municipal voters of their proportional influence at local elections, whilst local governing bodies were "subsidized out of the general revenue," was promised, and seemed a further instalment of the design of Sir George Grey to stifle the old English representation which carefully regarded "the communities of shires and boroughs as the collective organizations<sup>1</sup> of those who paid taxes," and tended in no manner to subject the earnings of the industrious to the

votes of the numerical majority. No time was lost in joining issue with the Government. Sir W. Fox moved (18th July) an amendment on the Address. He arraigned the Ministry for "incapacity, unconstitutional conduct, and many other" delinquencies. He revelled in taunts about the Kopua meeting. He assailed the Native Minister for having degraded the character of the colony by his demeanour. A traveller could not go to Waikato or the west coast without hearing tales which made him "blush to think that power was placed in the hands of men who would stoop to do such things. . . . The country is ringing from end to end with all kinds of scandalous stories." The west coast was in a perilous condition. The first thing which ought to have been done was "to lay off the reserves . . . if they had done so we should not have heard much about this native difficulty." Sir W. Fox had been so oblivious, or assured of the forgetfulness of others, as to publish a statement that—"As the war was none of my making, so the confiscation was not prepared by me. . . . I had nothing to do with it. . . . Both were the work of Sir George Grey and his Ministers, and not of me." Interrupting Mr. Rees, Fox denied that he had said "he had had nothing to do with confiscation." Rees read Fox's words, and added: "The honourable gentleman resigned office because Sir George Grey would not confiscate land to suit him. Does he deny that?"—and Fox interrupted the speaker no more. Mr. Sheehan entered fully into the Maori question, but declined to deal with "vague" if not "unmanly" imputations upon himself. He had "never done an improper action in relation to public affairs or public money," and would leave office, if possible, poorer than when he went into it. Mr. Edward Wakefield, who had helped to expel the Atkinson Ministry, aided to drive out Grey, "whose recent speeches tended to injure the colony, to set one class of the community against another, and to raise up in the hearts of the most irresponsible persons an angry greed against their more fortunate fellow-settlers. . . . I must give Rewi credit for being one of the shrewdest men in this country. He twisted the Native Minister round his little finger."<sup>1</sup> There

<sup>1</sup> The voluble Wakefield must have derived inspiration from sources which did not always emit truth. He said: "Topia Turoa surrendered to (Fox) on the Wanganui river nine years ago." It would have been far



was acrimonious debate. On the 29th July, Fox's amendment was carried by a majority of 47 votes against 33. Among the 47 were several whom Mr. Rees denounced as traitors. At least a dozen of them were "an army of rats." Sir George Grey's speech tended to intensify the bitterness of opponents, and on the 30th July the Governor's consent to a dissolution (on the understanding that it would be immediate, and that the new Parliament should be called together on the return of the writs) was announced. A formal address from the Council had previously been presented, but the speeches were as uncompromising in one House as in the other. Mr. Waterhouse and Sir F. Dillon Bell so unsparingly criticized the Government that they were upbraided for supporting Te Whiti. Bell, who had known the Maoris long and well, said: "You may not go and take possession of the confiscated land by force of arms. If you do you must be prepared to fight for it; and who is there, looking at the experience of past years, that will advocate the acquisition of that land at the price of blood? Your cause is unjust, and you must retreat from your position. The humiliation of doing so signifies nothing. . . You must, in justice, give up at once the attempt to get that land except in strict accordance with the promises of Sir Donald McLean. . . . If you are generous enough to do this you will have no further difficulty on the west coast." He told the truth. There was no difficulty on the west coast except what the Government created. But Colonel Whitmore rejected such tame proposals. With from three to five hundred men whom Ropata Wahawaha would lead from the east, and from two to three hundred of the "brave and warlike" Uriwera, and "nearly 3000 Europeans, who would be available in a very short time, there was no danger of protracted operations." Dr. Pollen was as confident against the Ministry as Colonel Whitmore against Te Whiti, and hinted that if condemnation were sought at the hands of the Council, it would be carried by an "overwhelming majority." Captain Fraser inveighed against the wrong done by imprisoning

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more true to say that Fox, on that occasion, in order to secure the aid of Topia Turoa, surrendered to him; for before Turoa agreed to assist Rangihinuui in warring against Te Kooti, Fox consented to release certain prisoners and respect certain rights to land.

Matakatea, and was informed by Sir Dillon Bell that he was released.<sup>1</sup>

Distrust was exhibited with regard to apprehended delay of the dissolution, and refusal of supplies was threatened; but after some manœuvring they were granted. A Loan Bill was passed for £5,000,000, although the debt recorded<sup>2</sup> on the 31st December, 1878, was £22,608,000. One of the Opposition, on the 5th August, induced the Lower House, and on the 6th, Sir F. D. Bell persuaded the Council, to move the Governor to consent to the return of the writs in September. The Governor obtained Sir G. Grey's written assurance that the issue should be made within two days of the dissolution, and the return within 30 days of the issue. The Governor communicated the result to both Houses, and Sir W. Fox commented on the perilous silence of the Governor concerning the interval between the prorogation and the dissolution. On the 6th August, Taiaroa asked in the Council whether, and if so, when, the prisoners would be tried. Colonel Whitmore replied that it was intended to try them in October. On the 8th August, Major Atkinson insisted that the Government ought to legislate for the protection of the Europeans on the west coast. Mr. Sheehan replied that the colony would be averse to a declaration of war. He would rather cut off his right hand than pass a retrospective measure to deal with the prisoners. It was one of the stipulations with the Governor, when granting an immediate dissolution, that no contested motions should be brought on. If the Opposition would agree not to debate the matter, he would bring in a Bill to postpone the trials. Atkinson, who had privately negotiated with Sheehan, was sure that the House would willingly pass the Bill. The rule of the House, that all such Bills should be translated into Maori, was evaded. Early on the 9th August the Standing Orders were suspended. Mr. Sheehan brought in a Peace Preservation Bill, which the House read three times without remark. It said that, as the peace of the colony was endangered by certain natives, and, "from divers causes it has hitherto been difficult to bring such persons within the ordinary

<sup>1</sup> His liberty was offered to him, but he preferred the prison, because Te Whiti, the voice of Heaven, had sent him thither.

<sup>2</sup> 'Hayter's Victorian Year Book,' 1879-80. Australasian Statistics.

operation of the law," it was expedient to deal with them otherwise. The Governor was to proclaim that such natives were to withdraw from their abodes. If they should not withdraw they were to be "deemed guilty of misdemeanour, and, upon conviction, to be liable to be imprisoned with or without hard labour for any period not exceeding one year." (Thus Te Whiti might be put in gaol.) Such Maoris, when arrested, might be "detained without bail until the end of the session" next succeeding; and "no Judge or Justice of the Peace shall bail or try any such Maori without an order from the Governor until the end of (such next succeeding session), any law or statute to the contrary notwithstanding." The Governor was to order time and place for trial, and might send the prisoners to any part of New Zealand; and the Habeas Corpus Act was suspended by a special clause.

Such was the atrocious measure which Sir G. Grey's Government were assisted by Sir W. Fox and Major Atkinson to pass as "uncontested." It was sent to the Council, and the Lower House dealt with miscellaneous business before a Maori Prisoners Trials Bill was introduced by Mr. Sheehan. The time of gaol-delivery had elapsed with regard to some of the prisoners and they had not been tried. The Bill enabled the Governor to fix the day and place for trial, which was not to be delayed beyond three months after the passing of the Bill. It declared it "indispensable for the peace and safety of the colony that the ordinary course of law should be suspended, and (the trials) should take place under special legislation." The Governor was to declare what number of prisoners should be tried at any sitting of the Court. The Bill was not passed in silence. Mr. Rolleston thought that some explanation ought to have been afforded. Tainui protested against passing the Bill without having it printed in Maori. The natives generally desired that the trials should take place in due course of law as soon as possible. Mr. Macfarlane protested against the "abominable" Bill altogether. Orders in Council ought not to supersede the law. Mr. Swanson followed in the same strain, and declared that the Bill was brought in at the behest of Major Atkinson. Another member deplored the public shame to Englishmen with which such a measure was fraught. Mr. Stewart denounced it as a gross infraction of the Great Charter. It placed the Government



above all law. The Maoris were committed for trespass: let them be duly tried. Major Atkinson pronounced the objections to the Bill theoretical. He was as careless of the safeguards of British law as he and his Taranaki accomplices had ever been of the treaty of Waitangi. Captain Russell scorned all law. "Lawyers were very useful in their way, but a great nuisance in legislative bodies." As far as he could judge, "these natives . . . are really not British subjects at all." Tomoana said: "The new Parliament is to meet in 30 days. Let the matter then be dealt with." The Bill was unfair. The prisoners were entitled to be tried. Why were they, without conviction, kept at hard labour? Mr. Rees supported the Bill because Sir G. Grey might safely be trusted with large powers. The Speaker said that, as a Maori member had complained that the Bill was not printed, it would have been his duty to insist on compliance with the Standing Order were it not for the fact that the House had at an earlier hour suspended the Standing Orders. The Bill was read a second and third time. It was Saturday, and the Parliament was to be prorogued on Monday. The Bills were dealt with in reverse order in the Council. The Prisoners Trials Bill was taken first. Colonel Whitmore proposed the suspension of the Standing Orders. Mr. Waterhouse thought such a proceeding improper unless the Maori members were so well acquainted with the nature of the Bills as to waive the Standing Order as to the printing of the Bills in Maori. Taiaroa said the purport of the Bills was not understood, and urged that they ought to stand over till the next session, so soon to be held. But Colonel Whitmore pleaded for haste; Dr. Grace considered that at any rate the purport of the Prisoners Trials Bill was understood; the Standing Order was suspended; and the Bill was hurried through all its stages. The Peace Preservation Bill, easily smuggled through the Lower House, was proposed, as "being in the interests of humanity," by Mr. Wilson. Sir F. D. Bell at once moved that it be shelved. "We are asked to pass an Act such as no Legislature in the world, I believe, has ever been asked to pass. We are not only to create a new offence, but to enact that a native who commits that offence is not bailable. . . . Sir, I can hardly trust myself to speak upon such a measure. . . . You will make it absolutely certain, if you put this law into

force, that you will have war on the west coast. Nothing on earth can prevent it.<sup>1</sup> I know the natives well. . . . I say you are absolutely mad to think of proposing an Act like this. I warn you that, so surely as you are guilty of so perfidious a reversal of the promises of the Crown, so gross and unwarrantable an injustice to those who have never committed a crime, as to pass such an Act as this, so surely will you have bloodshed the moment you try to enforce it. I will not say, as members in the other House have said, that I shall wash my hands of it, but I shall record my protest against so utterly shameless an Act." Could the Governor assent to it? If Colonel Whitmore could say that such assent was promised—"respect for his Excellency's office will prevent me from expressing any opinion on that promise. But, till I hear that statement made, I shall not hesitate to say that, under the Royal Instructions, he cannot give his assent to this Bill. It is of a nature expressly violating all former Royal Instructions. . . ." Dr. Pollen conceived that the object of the Bill was to give "legal authority to capture Te Whiti. Te Whiti ought not to be condemned before he was tried." Colonel Whitmore vainly pleaded that "the Bill did not originate with members of the Government. It had been previously suggested by people who took an interest in the matter." Mr. Waterhouse declared it "the most iniquitous proposal that was ever submitted to the Legislature of any country. Hundreds, even thousands, of people, occupying a large tract of country under the assurance conveyed by a proclamation of the Governor, (would under the Bill be made) liable to a year's imprisonment. I would sooner submit to have my right arm cut off than be a party to it." By 16 votes against 6 the Bill was shelved. Captain Baillie, Messrs. Dignan, Henderson, Martin, Colonel Whitmore, and Mr. Wilson, were under the banner of shame. Sir George Grey's share of the crime cannot be deduced from words of his own. Though urged to speak he remained silent, but could not thereby cast off the odium which must cling to him as the head of the Ministry which adopted the vile offspring of the unholy compact between Atkinson and Sheehan. The Parliament was prorogued on the 11th August. But, though

<sup>1</sup> It was probably because they agreed with this opinion that Atkinson and some others thought the Bill "necessary."

the plot to subject all the Maoris at Parihaka to seizure was defeated, the passing of the Prisoners Trials Bill effectually thwarted any hope which Te Whiti might entertain of testing the validity of the proceedings of the Government at the trial of his followers.

Wi Tako Ngatata, a member of the Council, Hoani Nahe (a representative member, and one of the Ministry), with Rangihwinui and others, took legal advice with a view to cause the questions concerning confiscated lands to be tried in the Supreme Court. They deputed Parata to urge Te Whiti "to desist from any further ploughing."<sup>1</sup> There was no object in causing his followers to be arrested if the Government could set at nought those principles of English law, which were supposed to be founded on a rock, and to be inviolable even in New Zealand. The reputed madman accordingly desisted, and the ploughing "entirely ceased at the end of August."<sup>2</sup> The general elections took place under unusual excitement. Sir George Grey flew from place to place, embittering the feelings of his enemies, if that were possible, by setting class against class, and winning cheers from crowds by declaring that they were serfs, and would remain so unless he should be empowered to rescue them. He declared (doubtless without knowing that it was untrue) that New Zealand was the only British possession in which manhood suffrage did not prevail; he sneered at the Legislative Council; he belauded John Bright (who like himself profoundly hated the British Constitution); denounced "political rest" as ruin, and predicted that by obtaining the Government which he aimed at the people would found "one of the greatest, most powerful and beneficent races that the world ever saw." The Opposition were as energetic as he. A few of them might hope to gain by purchasing large estates to be carved out of Maori lands, but Sir G. Grey had himself to blame if his wild accusations of all who distrusted his schemes, banded many worthy colonists against him. Moreover, the finances of the country were scarcely deemed safe. He had denounced the wastefulness of his predecessors, and there was no sign of economy under

<sup>1</sup> Speech of Taiaroa in Legislative Council, 11th December, 1879. New Zealand 'Hansard.'

<sup>2</sup> West Coast Commission, second report, 1880, p. 23.—N. Z. P. P. 1880, G. 2.



him. Nevertheless he gained strength by the dissolution. The Auckland members who had supported Fox were rejected. Amongst them was the astute Whitaker, who had previously represented Waikato, but stood for a suburban district, and was defeated. Sir W. Fox was beaten at Wanganui. Sir G. Grey was returned unopposed at the Thames; and at Christchurch, which had previously returned three Opposition members, he headed the poll, and one of his supporters was second. The eighteen new members for various electorates in the Auckland provincial district were considered bound fast to Grey with the exception of two. Taranaki and Hawke's Bay sent Opposition members. Atkinson, Sutton, and Ormond kept their places. Otago, Wellington, Nelson, and Canterbury sent divided phalanxes, while Westland pronounced for Grey. Tomoana, who had voted against him in the old Parliament, was the only Maori member who was expected to oppose him in the new. It was thought that neither the Government nor the Opposition would command a working majority. Atkinson had failed as a Premier; Fox and Whitaker had not been elected. But the Opposition had not depended only on them. In the Upper House sat Mr. Hall. He had been a member of Fox's brief Ministry in 1856, of a Stafford Ministry from 1866 to 1869, of a Waterhouse Ministry in 1872, and of an Atkinson Ministry in 1876. He was versed in New Zealand affairs, general and provincial; had shown that he was unscrupulous enough to use the Governor's name without warrant in the matter of the "order of reference" of the Ngaitahu deed; was deemed sagacious; had immense capacity for work, and could say clearly what he desired to say. On the 7th August, in discussing the Loan Bill, he expressed his alarm at the probable consequences of the "crusade against capital initiated by those holding high political office in the colony." The effect would be to repel the foreign capital needed. Nothing but wise economy could avert mischief. On the 18th August, he tendered the resignation of his seat with a view to seek election to the House of Representatives. Sir G. Grey unwisely threw obstacles in the way, and reminded the Governor that his acts must be done under ministerial advice. The ready Sir Hercules replied that the argument was sound, but that as he would

unquestionably decline to refuse the resignation, if so advised, the Premier would be left with the constitutional alternative of resignation or acquiescence. The resignation was accepted, and Sir G. Grey did not improve his position by accusing the Governor of favouritism. Meantime great confidence was inspired amongst the Opposition by the election of Mr. Hall. He moved an amendment on the Address when Parliament met. Much influence was brought to bear upon members. Mr. Hall himself plied Tomoana and Te Wheoro with persuasions, at a private house, in presence of Mr. Ormond and Mr. Rolleston. He was courteous, and the chiefs engaged to put in writing their views, with some of which he led them to think that he agreed. On Friday (3rd October), Tomoana handed to Ormond the promised paper, but Ormond declared that he did not look at it until its delivery was unimportant. He was careful not to tell Tomoana that Hall had not agreed to it. Tomoana ought to have remembered the manner in which Ormond had, for a particular purpose, but only for a time, relieved him from the usurious grasp of Sutton. He might have recollected that in the evidence on the Heretaunga purchase, Mr. Ormond was reported as saying: "My understanding was that we had to pay a bribe . . . and the simple question in my mind was whether it was worth doing so or not, and I agreed to find my share of that £1000." Whatever Tomoana's reasons were, he openly declared on Friday that he would vote with Hall. He said that when he found that Hall "agreed to his ideas" about the native questions, he "agreed to support his side." All he wished for was justice. He was sorry to vote against the Ministry, but not one promise to the native people had been fulfilled by them. Tawhai said: "I was elected to support Grey, and will do so. If any one blame me for so doing, I would remind him that at least I shall act as a chief and keep my word." The result of the division was awaited with apprehension. The votes were 43 against 41.

Much was said about the intrigues by which Tomoana had been induced to turn the scale; and Mr. Hall produced a memorandum in which Mr. Ormond narrated the details of the interview between Hall and the Maori members, and denied that Hall was committed to their proposals. Tomoana soon

quitted the Ministry. The Native Minister made (17th October) a statement which reflected rather the cupidity of the Taranaki community than the negotiations of Hall with Tomoana. He was "of opinion that there are probably no grievances to speak of on what is known as the Waimate Plains proper." On the next sitting day Tomoana rose and said that he had listened in vain for proposals beneficial to his people. He was grieved at Bryce's statement. He had asked the Ministers to find some other colleague, because for years he had seen his people suffering; some were in gaol; women and children were in misery, and nothing was done to alleviate their sufferings. He had promised to support Mr. Hall honourably. He had no personal complaint to make, but he could not honourably continue to be the colleague of the Native Minister, because from the speech of that functionary no benefit could be expected for the Maoris. His duty as a chief was clear. Leaving his seat he bowed to the Ministers; as he crossed the floor he similarly saluted the Speaker; and before he took his seat bowed profoundly to the House, being loudly cheered<sup>1</sup> by those who thought themselves his superiors as well as by some who felt their inferiority.

A few words may be said as to the Ministry and their opponents before the thread of native affairs is pursued. Whitaker entered the Upper House as Attorney-General. Atkinson and Bryce embodied the Taranaki predatory ideas as to Maori lands and the spirit of the riotous Peace Preservation Bill which the Council had crushed in the previous Parliament. Mr. Oliver, a Dunedin member, became Minister for Public Works. Mr. Rolleston (from Canterbury) was Minister for Lands and Education; and the offices of Minister of Mines and of Justice were held in abeyance, as baits for expectant mouths. Of the Native Minister, Mr. John Bryce, member for Wanganui, a few words must be said. By laudable industry he had raised himself from humble origin to comparative importance. His father, a tradesman, was shipped to New Zealand amongst the immigrants for defraying whose passages Lord John Russell contracted to allot

<sup>1</sup> An eye-witness wrote: "I have seen two Ministers leave the ministerial bench for the purpose of opposing them; one was a European, the other was a Maori, and it must be admitted that the Maori acted his part in by far the more dignified manner. . . ."



land to the New Zealand Company. The future Native Minister was in early life a cow-boy. No honest employment is contemptible, and amongst the labourers and handicraftsmen who maintain the state of the world there are as good and admirable persons as any who can be found in halls of luxury. There are also as cruel creatures reared in the purple as any who are housed in huts. The occupation of a cow-herd gives scope for the humane and for the brutal. If the lad be kindly he will reclaim an erring cow in kindly manner. If he be inhuman he will inflict as much torture as he can by hurling stones at the eyes of the patient beast which unwittingly offends him. His admirers have not cared to record much of Mr. Bryce's boyish days, but his conduct as Native Minister justifies the inference that he was of the inferior order of cow-boy. He was self-opinionated, shrewd, and callous. He would have been incapable of comprehending a charge that he was wanting in manliness or generosity. He was at Wanganui when the inhabitants piteously appealed to England for help against Titokowaru, and by his own exploits with his Kaiwi troopers near Taurangaika against little children he had earned the title of Kohuru (murderer) among the Maoris. The faulty practice in New Zealand did not require that a Minister on acceptance of office should recur to his constituents, and even if it had been otherwise a majority on the west coast (both before and after the open and avowed alliance of the Taranaki settlers with the murderers of Katatore) had proved their sympathy with all who would spurn the word of the Queen and trample on the perishing Maoris. Though he held two ministerial offices at his disposal Mr. Hall's pathway was not clear. He was confessedly without a working majority. To win two votes by gifts of place might repel others not propitiated by it. It was determined to disintegrate the Opposition. Sir G. Grey's friends were told that he, being the object of distrust, might, by heroic retreat from the post of General, enable the army to win the campaign. Accordingly, before the new Ministry was sworn in, Mr. Macandrew, a Middle Island member, was, at a meeting of the Grey party, proposed and accepted as a new leader. On the 10th October, Macandrew gave notice of a motion of want of confidence, which he was willing to move at once in order "to come down on Tuesday with a Government

which will possess the confidence of the House." He defeated Mr. Hall by two votes on a question of adjournment on the 10th, and there was much wrangling as to the conduct of business. Hall wrote to him (13th October): "My colleagues and myself consider it would be unconstitutional for the House to entertain a motion of no-confidence in a Government until it has had a reasonable opportunity of placing its policy before the country." Change of position changes opinions. Atkinson and Whitaker had, in 1877, striven to eject Grey without allowing him time to propound a policy. Grey and his friends were now leagued to do towards Hall and Whitaker what they had resisted in 1877. As Hall would not afford a place for Macandrew's motion the latter, wielding a majority, prevented the Government from proceeding with business. There were many conferences besides that in which Tomoana's support was contracted for. Mr. Hall soon made it apparent that to remain in office he was willing to adopt the political measures of Sir G. Grey. Triennial parliaments, universal suffrage, and other changes which Hall had formerly opposed, were to be portions of his new policy. With malevolent glee Sir G. Grey exclaimed (15th October): "My desire is accomplished. . . . I have had the pleasure of hearing honourable members on both sides . . . irrevocably pledge themselves to most liberal measures, bidding against one another as men do at auction, promising the community at large to introduce a system of democracy which we should not have reached for years under other circumstances; and all through yearnings for place and desires for pelf. . . . They cannot retract; they must aid. They may say, No, but they cannot help themselves. Out of office or in office I will drag them as my slaves at the wheels of my chariot. They shall pass those measures. Though they hate me they shall . . . go into the same lobby as myself, and shall bestow . . . measures so liberal that I should not have dared to propose them, knowing they would be defeated." His anticipations were wreaked in results. On the 21st October the Ministry were defeated by 37 votes against 31. Several members for the Middle Island who had voted against Grey now voted against Hall. On the 22nd, there were secret negotiations. Their nature may be inferred from a letter which a former member addressed to one of the Opposition:

"I would very much like . . . to see you turn over before the no-confidence motion is taken, as you will then occupy a much more influential position with the present ministerial party. . . . I am assured on the most reliable authority that the Government are sure to win." It is needless to record the writer's name. The member addressed, Mr. Reeves, replied that "for treachery, duplicity, and moral turpitude," he had never seen a parallel to the proposition; and submitted the letter and the answer to the House as a question of privilege.

Mr. Hall denied that privilege was involved in a private letter—"which in my opinion contains very good advice, although the honourable member does not appreciate it." While he spoke, Mr. Hall had procured "the support" of four Auckland members, who, while conspiring with him, had conferred with the Opposition. Mr. Reader Wood's vertibility surprised no one. Swanson, another Auckland member, "who having been praised for bluntness affected a saucy roughness," harboured craft in his plainness. Atkinson lay in his way, and he found him. Money was required in the North. The unblushing Treasurer replied: <sup>1</sup> "How can you, Swanson, expect me to pay when you are doing your best to prevent the Government getting any money to pay with?" Terms of arrangement were easier with Swanson than with Reeves; and Whitaker plied his arts upon his old colleague, Reader Wood. Wood's statement <sup>2</sup> was: "Whitaker sent for me . . . he said he had seen Mr. Swanson," and agreed that if four deserters—Wood, Swanson, Hurst, and Colbeck—would go over to the Government, Auckland should receive gracious treatment as to money-grants and electoral distribution of seats. The transaction seemed incredible when first bruited. Mr. Wood told a friend, on the 23rd October, that half a million sterling would flow to Auckland in consequence of his defection, and the written statement of the friend was read in the House. In fine—it may be said that, four members having left the Opposition, Macandrew's notice was not proceeded with. There was some shame and much recrimination as to the manner in which, and from whom, support had been purchased. An attempt was made to procure Hall's corre-

<sup>1</sup> Speech of Swanson. Auckland, 30th December, 1879.

<sup>2</sup> Speech of Wood. Auckland, 7th May, 1880.



spondence, but he said there was none; and Swanson said that what there was was in his pocket, and would not be produced without the consent of all concerned. Swanson had written a paper; the Ministry had struck a bargain upon it, and the paper had been returned to Swanson. The disintegration of the Opposition was complete, and at the close of the session the Government commanded a substantial majority. The passing of the Triennial Parliaments Bill, and of a Bill to confer universal suffrage, promised to rekindle strife at an early date. A Bill to fix by law the amount to be paid to members of Parliament was introduced by Mr. Hall, but lapsed in Committee after an ineffectual attempt by Sir G. Grey to limit its operation to the Lower House. Fresh taxes were imposed, and economy was enforced in order to redeem the public credit. The Treasurer estimated the deficiency at £911,000; his predecessor, Mr. Ballance, argued that it was less than £600,000. All agreed that it must be got rid of. Nevertheless a large majority resolved to abolish the gold export royalty gradually. In 1876 it had been reduced from 2s. 6d. to 2s. an ounce, and was made a local revenue. After debates which proved that the local bodies did not desire the reduction, it was decided to reduce it annually by 6d., so that it might cease in 1884. A Property Assessment Bill was to raise £470,000. Stamp duties were to yield £200,000, and customs duties were to add nearly £300,000 more than before. Major Atkinson grimly said that if the Grey Ministry had remained in office a little longer these taxes would have needed to be doubled, and many persons agreed with him. In financial matters the abilities of Atkinson, controlled by the wary sagacity of Hall, were far more trusted than the abstract vaticinations of Grey.

Mr. Bryce, the Native Minister, selected by the leading spirits who broke up the Grey party, had long acted as Chairman of the Committee on native affairs, and was accustomed to the easy mode of putting aside a troublesome petition from aggrieved Maoris by abstaining from any recommendation. In the ministerial statement (17th October), which drove Tomoana into Opposition while the echo of Hall's promises had hardly died away, Mr. Bryce scorned the methods by which Donald McLean and other Native Ministers had influenced the Maoris.

He would "destroy that part of the Department which he had so often called the personal government." He was of opinion that there were "probably no grievances to speak of, on what was known as the Waimate Plains proper." There were perhaps grievances, "magnified somewhat, of one kind or another along the west coast," and for the sake of the colony they ought to be inquired into. He did not agree with those who thought "that a proper adjustment of the reserves would settle the difficulty." The trouble was deeper. It was the infatuated confidence of the Maoris in "a man who is so far gone in insanity" as Te Whiti. Bryce's feelings for the suffering settlers were "more than he could express." He had a plan of "treatment which ought to be adopted on the west coast," but thought it imprudent to discuss it. Mr. Sheehan defended the Grey Government for not having "put an end to the west coast difficulty," by alleging that they were prepared to do so if they had not been defeated in the House, and unwilling to let their "possible successors meet Parliament with a Maori war." He asserted the necessity of personal control of the Department so long as large numbers of natives lived under tribal customs. He was sure that as to capturing Te Whiti, Mr. Bryce would hesitate long before taking any step which would "lead to loss of life or imperil" the peace of the country. He agreed with Bryce that Te Whiti was mad. Major Atkinson replied to Sheehan, but was too well-pleased with the prospect of Bryce's treatment of Te Whiti to descant upon west coast affairs. Te Wheoro glanced at the blunders of the Government in causing the Waitara war, at the unjust allotment of Purukutu's land to another, at the slaying of an European by Purukutu,<sup>1</sup> at the failure at all times and places to fulfil promises made to the Maoris. That had led to the ploughing on the west coast. Why should not the control of the Native Department be left to the Maoris (as Te Wheoro and Tomoana had stipulated in the

<sup>1</sup> It may be remembered that the Native Department slighted the appeal of the owner Purukutu, and that Purukutu shot a man named Sullivan on the land. Te Wheoro said: "Purukutu did not act rightly in killing the man, but the land was Purukutu's, and the officers of the Native Department had no right to give the land to the other Maori." Europeans who subsequently rented the land from "the other Maori," sent poor Sullivan and others thither.

paper which Ormond took possession of for Mr. Hall, but did not look at until the division had been taken in which Tomoana's vote gave Hall his majority)? "Try, and see the result. I believe if this House will not take my suggestion, the Queen will."<sup>1</sup> He almost despaired of good being done by the Local Government. Why was gunpowder being sent to Taranaki? "What had the Ministry done for Tomoana, their friend? What functions had he? He is simply sitting on his seat. . . . If the Native Department were transferred to him, some benefits might accrue." He suspected that if Major Atkinson had been Prime Minister, shots would have been fired at Taranaki; for he had heard of the persecuting Bill which Atkinson had abetted in a former session. The Hall Government was in effect a revival of that of Atkinson, which produced no good works. Macandrew, the Opposition leader, was a new man, and Te Wheoro would give him his vote. Four days after this speech Tomoana shook off his connection with the Government. Then Reader Wood, Swanson, and two others joined the ministerial camp. On the 24th October, the desertion was discussed in the House. Readers in England may be spared the recital of the recriminations amongst Europeans, but may feel interest in the language of the Maori chiefs. Tainui reprobated the purchase of votes by promises to districts: it would lead to evil. If grants were refused to members they would say, "This is a bad Government," and join the Opposition. It was an unfair way of dealing with revenue. "I never heard of such an idea as the money of the colony being used to buy the votes of members." When Reader Wood admitted that he had adverted to the gain to Auckland as half-a-million, Te Wheoro rose in sorrow for the position of Swanson, whom he had regarded as

<sup>1</sup> Constantly against officers, Ministers, Governors, and even Secretaries of State, such as Earl Grey, there was confidence that the Queen herself, in whose name the treaty of Waitangi was made, would do justice to Maoris if they could make known to her their wrongs. A member named Hutchinson, in October, 1879, held a very different view. He said: "An honourable member referred to the treaty of Waitangi. I thought we had heard the last of that long ago. We have nothing to do with the treaty of Waitangi. We have to do with our business and not what was done 30 or 40 years ago." It is not reported that any sense of sham was roused in the House by this savage statement.



just and true. "At the rate that it took to buy these four votes, £2,000,000 would be required to buy 20 northern members; and if Wellington members were as high in price, and £5,000,000 be absorbed in the Northern Island, what would be left for the Middle Island members? A bad example had been set to the native chiefs. I have heard before with regard to the honourable member for Waitemata (Reader Wood), that the prow of his canoe is very apt to sway from one side to the other. I think the four members alluded to are bound to compliment Tomoana on the manner in which he departed from those benches . . . because the grounds on which he left were great indeed. He went there upon the understanding that certain wishes which he entertained regarding the native race were to be fulfilled (Tomoana had given his reasons), and on hearing that speech from my honourable colleague, my great desire was to be able always to act as he did in quitting those benches." But the four members had not followed a course which could be deemed honourable. "Had we Maori members been seduced by money, my friend, the honourable member for Newton (Swanson), would have rebuked me. Had 20 seceded, and had he remained, he himself would have represented 20. I grieve that a just and true man like him should have acted thus without intimating his intention to his friends. As to the other two members—what districts they represent I know not—they were very foolish indeed. . . . I shall never cease to congratulate my friend from the east coast (Tomoana) on the course he took contrasted with that of these Pakeha members. Though I myself may fall in consequence, I will still praise him for his independent act in leaving a Ministry whose native policy he could not conscientiously support."

It does not appear that the contrast thus drawn excited jealousy in all minds, for a few days afterwards a member said: "There are many Maoris well qualified to represent European constituencies in this House. I have one in my mind now who had a seat in it. I say it without the slightest disrespect to any honourable member, that he was as well qualified to represent a European constituency as many members in this House. I allude to Hoani Nahe. He can take a large grasp of public subjects and work out the smallest details of matters brought

before him." Macandrew himself said that the Maori representation had worked well, and that "the Maori members have set us an example in this House."<sup>1</sup> Sir F. D. Bell in the same session said: "Moreover it may be said that the Maori representation in both Houses has been a complete success, so far as regards the intelligence, moderation, and good sense shown by the natives themselves."<sup>2</sup> Whitaker himself was constrained to say on the same occasion: "I have sat in the House of Representatives, and I am satisfied that there are no members in that House who conduct themselves with more propriety than the native members." Nevertheless Whitaker strove to detract from Maori influence. The Qualifications of Electors Bill (1879) introduced by him and his colleagues provided that votes should only be exercised on property held "in severalty." A member moved the omission of words which would "disqualify a very large proportion of the Wellington and east coast natives." Whitaker advocated them because "holding of lands in common in large quantities by a number of people greatly stood in the way of progress and was most objectionable." Taiaroa threw light upon the Bill. "Possibly 100 natives may own a certain block. If the clause be allowed to remain as it is those natives will not have power to register themselves or become voters. If that is to be the law it would be better that the Government should cease to purchase native lands altogether where a number of natives are concerned in a block. Let them wait until the land has been properly subdivided, and it is known what is the

<sup>1</sup> New Zealand 'Hansard,' 4th November, 1879. The men whom Macandrew thus commended were living when Colonel Wakefield sought with arms and ammunition, parcelled out to a few, to deprive whole tribes of the land which was the birthright and possession of all. Where is the work in which since the days of Selwyn, Martin, and Swanson, any attempt has been made to place the truth with regard to the Maoris before the English people?

<sup>2</sup> Sir F. D. Bell's argument was peculiar in one sense. When the Maori members were first chosen there were, he said (21st November, 1879), only four, although the Maori population was 60,000 and the European 250,000. "There are now only 40,000 natives in the country, while there are nearly 500,000 English people. Therefore, in all parity of reasoning, instead of the number of Maori members being increased it ought to be reduced." In other words, a man who commits an injustice is entitled to found his subsequent conduct upon it as if it had been an act of justice.

share of each native, and then let them buy the land. Neither branch of the Legislature is sufficiently careful in dealing with affairs that concern the natives. The Government advance money on blocks of land the title of which is not very clear. I am not altogether understood, perhaps, but I will explain. If there are 100 claimants to a block of land, and one of them chooses he can get an advance upon the block, although the others may not approve. That shuts out a number of people who have claims in the block. That is to say, through the action of one claimant the whole block becomes pledged to the Government."

The measures passed in 1879 with regard to the Maoris may be briefly glanced at before dealing with the state of the west coast. Bills respecting native lands were brought in. A newspaper said that Mr. Bryce would be remembered as the Minister who was bidden by a greater authority to introduce them, who could not understand them, and did not know what to do with them. In submitting his estimates he declared that he would purify his Department and reduce expenditure or retire. He dispensed with some native assessors, diminished salaries, reduced the number of Judges of the Native Land Court, and consented to cut down the amount set apart by his predecessor for printing judgments of the Court.<sup>1</sup> The Hall Government announced that they would strive to avoid war at the west coast. They would wait the report of Mr. Mackay, who had been deputed by the Grey Government to examine the question. Mr. Whitaker knew "of nothing that would be more disastrous to New Zealand than a native war." Steps would be taken to ascertain if there were any grievances. "If there are no grievances probably strong means must be adopted to allay the anxiety that at present prevails, and to insure the peace of the colony." Such words were easily interpreted. Nevertheless, whatever might befall Te Whiti personally, he had forced the Government to consent to inquiry. On the 2nd December, Mr. Bryce moved the second reading of a composite Confiscated Lands Inquiry and Maori Prisoners Trials Bill. Three Commissioners were to inquire into land grievances on the west coast.

<sup>1</sup> 'Important Judgments' . . . published under direction of Chief Judge, 1879.



"Any two of them" were to have full powers. As to the prisoners, it was declared "indispensable for the peace and safety of the colony that the ordinary course of law should be suspended and the trials of the said natives should take place under special legislation." The Governor was to fix the number to be tried, and the date and place of trial, and notwithstanding any order of committal could change the place appointed for trial. The measure was to be in force until 60 days after the commencement of the next session of Parliament. Mr. Bryce said: "If the Maori prisoners were released from custody at the present moment the peace of the country would be in very great danger."

Mr. Stewart, member for Dunedin, raised a warning voice against placing "the Executive of the country above the Judiciary." It was a violation of one of the first principles of good government. The Government had arrested persons on suspicion and "were afraid apparently to go to trial to ascertain whether they were guilty." Imprisoned on suspicion, the Maoris were "condemned untried." "The House was asked to anticipate the right to demand the writ of Habeas Corpus by saying No: we shall not prosecute you, we shall not put you on your trial, and we shall not give you the opportunity of being acquitted." Mr. Turnbull denounced the treatment of the prisoners as "not only barbarous but cowardly." Te Wheoro and Tawhai urged that at least promises should be fulfilled, and that it was hard that the prisoners who had fought for the English and had been invited to occupy the land should see it ravished from them again and be denied the common justice of a trial. Captain Russell supported the Bill as a means of averting war, which was more perilous than Southern members supposed. "It could not be denied that the Maoris had always displayed the most conspicuous bravery, and that had their battles been fought under the eyes of Europe, their heroism would have been handed down to posterity by poets; and though they had been beaten when assembled in numbers and massed at a particular point, still that had not secured peace." Mr. Tole declared that the measure "took away all the rights held dear by British subjects." Mr. De Lautour asked how faith could be reposed in a Government which proposed to defer the trials beyond the date announced only four months

before. Tomoana thought it not "clear that the term 'prisoners' should be applied" to the men in custody. There had been no war. They were not prisoners of war. "It was a mockery to call them prisoners." When were so many hundreds of Europeans lodged in prison and kept there without trying whether they were in fault or not? He agreed that a Commission should be appointed, but there should be Maoris upon it, or, better still, let Commissioners be obtained from England. They would be totally disinterested and no feeling could be entertained against the decision.

Mr. Fisher denounced the measure as a violation of rights of Maoris in the treaty of Waitangi and as British subjects. Mr. Sheehan declared, that "if the House refused to pass a measure of this kind . . . nothing could stop a Maori war." There were unfulfilled promises; it might be a hardship to keep men imprisoned without trial; but in spite of what had been said "about Habeas Corpus, the rights of British subjects, and all that sort of thing, he happened to know that they had to deal with a most exceptional thing. . . . Our action is possibly strained and illegal. It is quite possible that if this were done in other countries the whole world would talk about it." . . . Mr. Bryce echoed his predecessor's opinions. "If the House declared that these trials were to come off in due course, he would not like to take the responsibility of remaining in office." He did not "say that there were unfulfilled promises," but it had been "loudly proclaimed in the country and in the House that there were," and therefore inquiry would be permitted. The Bill was read a second time by an enormous majority. In Committee Sir George Grey moved that "at least one member of the Commission should be a person of the native race," and found 22 supporters, but the Government, aided by Sutton, Ormond, and others, had 39 votes, and the Bill was hurried through all its stages on the same day. Whitaker in recommending it to the Council said little, but that little was significant. "The probability was that a very slight punishment would be awarded to the prisoners, but it was as much for their own benefit as for the benefit of the country at large that they should be kept under restraint until their grievances had been inquired into." In other words, the Government had appealed to the law against

Te Whiti, found the appeal unsatisfactory, and sought an *ex post facto* indemnity for their own blunders, by a law empowering them to incarcerate the innocent. Colonel Whitmore warmly supported the Bill. Wi Tako Ngatata would not say much, nor would he vote on a Bill which bore more heavily on his race than any within his recollection. Yet why not allow the prisoners to be tried in due course of law? Sir F. D. Bell assailed the equivocal way in which the preamble alluded to alleged unfulfilled promises. He knew personally that Donald McLean's definite promises had never been fulfilled. He could not support a preamble which adverted to well-known facts as mere allegations. There were rumours that the Government, like their predecessors, contemplated some military step in the Waimate Plains, and forcible resumption of lands. All hope of peaceful settlement depended on preservation of a waiting attitude for a few months.

Taiaroa having heard Sir F. D. Bell's acknowledgment that promises had been made, wondered why Bell when Native Minister took no steps to fulfil them. For eight years Taiaroa had, in Parliament, pressed for fulfilment of promises. With the Maori a promise was sacred. If unfulfilled by the maker he left his children or descendants to fulfil it, and if they could not do so the obligation was undertaken by their posterity. But so many promises had been made and disregarded by the Pakeha that the Maori laughed when a Commissioner said that such or such a thing would be done, and said: "We will see whether that will be the case. It has never been so yet. Therefore it was that Te Whiti told Sheehan at Parihaka that he was a thief—not that Mr. Sheehan was himself a thief, but the Government to which he belonged—referring to the promises which were made and were left unfulfilled." To Taiaroa it seemed that the real object of the Bill was rather to take possession of the land than to benefit the natives. Sir Dillon Bell thought it necessary to explain that he had always laboured for fulfilment of promises, and that if Donald McLean had lived they would have been fulfilled. Captain Fraser lauded Sir Dillon Bell's denunciation against broken faith. Mr. Waterhouse disliked the Bill, but threw the responsibility of passing it on the Government. Mr. Mantell declared that for fourteen



years he had been conscious of inability to guide the native policy in any right direction, but he could not refrain from commenting on the Bill. He denied that the proclamation on the west coast confiscated the territory. It simply "defined the districts to which the New Zealand Settlements Act should apply;" pledged the Government, "not within a certain time, to take what lands it thought necessary for protection of settlement, and as a punishment for offences, . . . and to confirm by grant under the Crown all the lands of natives who had been loyal within those limits, and to restore to rebels who might come in, lands for them to settle upon. It was needless<sup>1</sup> to say that the Government had kept none of these promises. It was also needless to say (as had already been well pointed out by Sir F. D. Bell) that the present state of disturbance on the west coast was the natural consequence of that failure of successive Governments to fulfil these promises. It was also needless to say that the greed for land had been the obstacle to Governments in their attempts to carry them out." No Government had been strong enough to deal justly with the lands. One tribute he would pay. They had not attained "the courage and honesty recommended by Tairaroa, when he asked: 'Why make new laws for the trial of these prisoners? Let them be tried by laws already in existence.' But they had become civilized to this extent, they thought it advisable to have some legal sanction for the manner in which they dealt with prisoners. It was not so ten years ago." Returns on the table showed that Maoris were repeatedly imprisoned without committal or warrant of any kind. The captives at "Rangiriri, Tauranga, Weraroa, East Coast, and elsewhere," were held without warrant. Te Kooti, a friendly native, was deported with others to the Chatham Islands, and there detained with "no warrant." This was vouched by a return presented to the Council by the representative of the Government which deported Te Kooti. Mr. Mantell was only dissuaded "at the urgent request" of the Government from moving a censure of such lawless acts. "But, as I said before, we are improving in this matter. The Maori prisoners are confined under some sort of warrant or another. They are

<sup>1</sup> The fact was notorious in New Zealand, but it is by no means needless to quote Mr. Mantell's words for dwellers abroad.

committed for trial." The professed desire was to teach respect for law, but when it comes to be applied—"we find it does not fit, and have to alter it, not exactly in the interests of the Maoris, as the honourable Mr. Taiaroa remarked, but in order to make it harmonize better with our apprehensions." He regretted that legislation on Maori affairs had not reached a standard which he could approve.

Thus it had ever been in New Zealand. Marsden, Bishop Selwyn, Sir W. Martin, Maunsell, Bishop Hadfield, and the patriotic Waharoa, had warned in vain when evil was at hand or injustice was proposed. The worse course was chosen when the better was proposed. Curbed by the able Gipps, and by the honest but feeble Hobson, chastened by the rod of Lord Stanley, the baleful schemes of the agents of the New Zealand Company grew to portentous strength in later years, and assumed the most odious form in the garden of New Zealand, where a Governor was persuaded to abet rapine a few months after he had bitterly denounced it, and the Duke of Newcastle sanctioned it with a conviction that he was doing wrong. The voice of the prophet was heard again in 1879, but it was unheeded. Yet justice demands that the speech of a Taranaki gentleman should be alluded to. Mr. Scotland, a member of the Council, said there were, without doubt, grievances. "A neighbour of mine, an excellent native, who never was in rebellion, who has never even visited Parihaka, a cousin of the Honourable Mr. Ngatata, who can corroborate what I say, has been despoiled of everything he had, has lost 4000 acres of land; has lost the property of his father and the property of his mother. He ought to be able to live in as much comfort as I live in, and perhaps more, and it pains me to see the good-natured fellow going along the road driving his cart of firewood into town for sale." Wherever these words are read there will be respect for Mr. Scotland, and kindly feeling for Ngatata's cousin. When Whitaker heard them, he retorted that "individual members might have some knowledge or belief" as to unfulfilled promises, but he "had never seen any record of them, and was not prepared to say that there were absolutely substantial grievances in existence." To Sir Dillon Bell's allusion to rumours of violent intentions on the part of the Government, he replied

that he knew not of them. "As to making a deliberate promise that under no circumstances should such action be taken, it could not be done; but he could say that the Government had never entertained such an idea, and that it was not their policy."

The reader will remember that in defiance of the treaty of Waitangi Whitaker proposed to seize native lands for a road in 1863, although warned in plain terms that the Maoris would resist with force. Even the weak Duke of Newcastle refused to sanction an act which was only not an act of war because it provoked another to strike the first blow. It will be seen that the same plan, in the same district, was harboured by the wily Attorney-General in 1880, when the Maoris had been decimated by wars and disease. In one sense it might, as Mr. Mantell urged, be deemed that an advance in civilization had been made when the Government cloaked injustice under guise of law: and it was also good that in both Houses there were men who denounced the injustice howsoever committed. But in another sense the change was ominous, by showing that there was no act of injustice which the Houses would shrink from supporting. Former crimes were those of sections of the community. In 1880 injustice became the corporate act of the whole. Sir Hercules Robinson assented to the Bill; hoping that the redemption of unfulfilled pledges about the land would make amends for its tyrannical provisions. Freed from parliamentary control (19th December), the Ministry were so eager to act with a high hand, that—maugre<sup>1</sup> Whitaker's protestations to Sir F. D. Bell—it was announced, before the West Coast Commission was appointed, that violent measures would be taken. On the 24th December, a newspaper said: "Eight hundred men are to be placed in redoubts on the Plains, under the directions of the Native Minister. . . . Road-making is to be commenced, and if the natives offer any obstruction, the constabulary will be marched to Parihaka in order to destroy that nest of insurrection

<sup>1</sup> The Auckland 'New Zealand Herald' said (27th December, 1879) with regard to these protestations: "Perhaps it is unreasonable to expect Ministers to tell the truth in 'Hansard' or to make known their intentions. They might indeed just as well . . . be frank, for they need not hope to take the Maoris by surprise."



.. It seems to be generally understood that the natives will resist."

It was not only understood, but desired by many, that Te Whiti would by resistance invite a brutal destruction of his settlement. Unacknowledged by the Maori king, it was thought that Te Whiti would be swept away in a moment. It was not deemed possible that he could preserve his reputation if he should submit to insult by armed men, although his retention of it after the imprisonment of his followers was a problem which no one could solve. That he should submit to martyrdom without resistance was not dreamt of in the philosophy of Whitaker or Bryce. That he seriously welcomed martyrdom in the hope that his fate might induce the Queen to do justice to his people was suspected by some, but was deemed too heroic a conception for a Maori. He seemed acquainted with public affairs, and when declining to attend a meeting at Waotu (in Waikato) mentioned that the Government were expending £10,000 a month in maintaining their armed force at Waimate, an estimate which was below the truth. On the 8th January, nearly 150 of his followers were shipped from Wellington to Dunedin and Hokitika, and a ministerial newspaper descanted upon the wisdom of a step which, though it might irritate Te Whiti, would place more armed men at disposal for crushing him. But still Te Whiti prophesied, and his people believed, that peace would be maintained, and the Maoris would be redeemed by interposition of Heaven. The first intervention in their favour sprung from an unexpected quarter, and was not made publicly known. While it was promulgated in the press that "Ministers were making full preparations to seize the Plains, with force enough to do that and to root out the fanatics at Parihaka," the Government were appointing Commissioners. Te Wheoro and two other Maori members had an interview with the Governor, and impressed upon him the necessity of hastening the trial of the prisoners, and the propriety of appointing a Maori on the West Coast Commission. Bryce in one House, and Whitaker in the other, had cast doubts upon the existence of broken promises, but they could not refuse to permit the authorized inquiry. Sir William Fox and Sir F. D. Bell, prominent politicians, the latter of whom had vigorously

asserted that he knew of absolute promises as yet unfulfilled, were asked to become members with Tawhai, a Maori member of the House. Sir W. Fox, Sir F. D. Bell, and Tawhai were selected. It was no secret that the Governor had earnestly advocated the appointment of a Commission. It was known to few that Fox and Bell stipulated before accepting their task that, pending their report, the *status quo* with regard to reserves, claims, and titles, should be maintained. Its maintenance in entirety was discussed, but Bryce and his abettors were resolute to do something, and road-making was selected. No fitter provocation to war could be chosen (as Whitaker knew when he proposed to violate the Queen's word in 1863), but to avoid evil appearances it was arranged, with consent of Fox and Bell, that the old road should be simply repaired, and thus the taking of fresh land, and new cause of quarrel, should be avoided. Tawhai having agreed with Mr. Bryce to act on the Commission, visited his constituents in the north. On returning to Wellington he saw the names of his colleagues with the terms of the Commission, and shrunk back. The Ministry thought he had been dissuaded by persons who hoped for pecuniary gain by preventing a fair settlement. If so their enemies were as unpatriotic in 1880 as their friends had been at Kopua in 1879. He alleged that Native Ministers, including Fox and Bell, had caused the troubles which were to be remedied, and that they were not the proper persons to remedy them. "I at once resolved not to sit on the Commission. I will quote an old saying that probably originated among yourselves<sup>1</sup>—Can a guilty man judge his own sin? It almost leads me to think that this Government cannot be a British Government, or it would not have appointed guilty persons to judge this affair. Therefore I determined to resign, for according to another of your proverbs which I have heard among sailors—A man clad in white cannot meddle with the rigging without being tarred." In resigning, he pointed out that the last paragraph of the Commission entrusted two members with complete powers. He had watched a horse driven by two men in a loaded cart. He was like the horse; his brother Commissioners like the men. Blinkers prevented the horse from looking to right or left. The parallel was complete. He

<sup>1</sup> New Zealand 'Hansard,' vol. xxxvi., p.

liked not to be driven by two Commissioners sitting in a cart heavy-laden with Maori grievances. Moreover, the Commission did not authorize inquiry into the root of the matter,—the first cause of war at the Waitara,—and no good could come from it. Though loyal to the Queen he declined to act.<sup>1</sup>

On the day on which Tawhai's resignation was considered, the armed constabulary crossed the Waingongoro. Mounted European settlers watched the act calculated to lead to war. Te Whiti, meanwhile, warned his people to abstain from provocation. Not only was there no opposition to the troops (in dress and discipline the constabulary were a military body), but when a newspaper correspondent informed natives, at a pah, of what had been done, they cheerfully replied: "'Tis well. The soldiers have come to make a road for us to Parihaka." Mr. Bryce was less at his ease, for he told the same reporter that everything was uncertain and critical. Efforts were vainly made to induce Titokowaru to appear before the Commission. Finding that Te Whiti's followers refused to appear before them, the Commissioners announced (20th February) their opinions. Promises would be fulfilled. Let each division of the tribe show their cultivations so that the rights of all, even the absent, might be respected. Reserves would be made. Afterwards Europeans would be placed on the Plains, and roads made for both races, as well as a railway from Taranaki to Hawera. One good word

<sup>1</sup> In 1880, Tawhai justified his resignation thus in the House: "The manner in which Native Ministers (Fox and others) conducted affairs at Taranaki I can liken only to the conduct of an animal called the 'fox,' which proceeds stealthily to the hen-roost and steals the occupants thereof. The habits of that creature are so peculiar that in wreaking its purpose it will lie and feign death: and when the hen-roost is visited by one who knoweth not what is inside, immediately on the opening of the door the fox takes the opportunity of stealing out. That was what was done at Taranaki. The owners of the hen-roost are the Maoris and the poultry is the land." (Blame had been thrown on Sir G. Grey) "but I ask this House, is the tree capable of turning itself upside down? Can the roots form the branches and the branches the roots? The branches draw forth sustenance from the roots, and I say that those Governments created all the trouble in that part of the country. They are the root of all evil." Sir W. Fox replied as to "the connection which this Fox had with that hen-roost," but made no reference to his treatment of the prisoners of Rangiriri and his joint demand with Whitaker for sweeping confiscations of land, to which Sir G. Grey as Governor refused his assent in 1864.



"Te Whiti had always spoken—that there should be peace. . . . The same word is spoken on our side." But he was deluded as to his power. The Governor's word would prevail. "It is of no consequence that the people have not attended to-day, and that they remain at Parihaka. . . . Their land will not be taken away because they are not here. So long as they remain at peace and do not interfere with the work of the Commission, it is the same as if they came before us." Te Whiti, meanwhile, betrayed no sign of weakness or distrust, although his capture was openly advocated by some Europeans. On the contrary, cart-loads of presents, of provisions, were sent from his camp to the constabulary. At his February meeting his tone was confident. "If the bayonets of the soldiers should dazzle your eyes, my people, be not afraid. The surveyors may commence; the Almighty will not let them finish their work." At Hawera in February, at Waitara in March, the Commissioners took evidence which proved many grievances. On the 8th March, Sir W. Fox assured the Maoris at Waitara, that the Commission would advise fulfilment of all promises, but he spoke scornfully of Te Whiti. "What has his breath done for the Maoris? Has it not put them in prison? Are they not in prison at Dunedin and Hokitika? And their wives are widows, and their children are orphans, living on any who will give them bread. This is the fruit of the great word of Te Whiti." Yet the word of Te Whiti had done much. A year had elapsed since the surveyors were removed. Instead of creating war, that act seemed to have extorted from the Commission a public guarantee of reserves, of which not an acre had been marked (even on a plan) when the survey of the Plains for sale was ordered by Dr. Pollen under Major Atkinson, and by Mr. Sheehan under Sir G. Grey.

The reader may regret that at this period Te Whiti did not welcome the Commission, represent his people's wants and claims before them, and make the best terms which circumstances permitted. It may be that the generous instincts of the Governor and the conviction of the Commissioners would have prevailed to secure an approach to justice. Mr. Bryce and Mr. Sheehan thought him absolutely mad. If so his backwardness is relieved from moral blame. But if he was not mad, what were his inducements to work with the Commissioners? How

could he trust them, reasoning from the past? Had the treaty of Waitangi been respected by any Ministry after the Queen's troops supported its violation? Was not Sir F. Dillon Bell the man who wrote Governor Browne's justificatory despatch when the Waitara crime was committed? Was not Fox the man who, with Whitaker, pressed so hard upon the Rangiriri prisoners, urged devastation at Tauranga, and sought to confiscate whole territories of innocent tribes, to an extent that shocked him who seized Rauparaha by stealth, and invaded Waikato? Even if sane, Te Whiti had, from his point of view, ample cause for distrust. He had while preaching peace inspired apprehension if not fear. Bryce had declared in Parliament that he would not like to remain in office if the trial of Te Whiti's followers were ordered to take place according to law. The prophet of Parihaka, unfriended by the Maori king, clung to his old course. He preached peace, he cultivated the land, enjoined sobriety and honesty, and kept his people from taking bribes. His March meeting, usually the greatest in the year, was anxiously expected when the Commission made an interim report (15th March): "Whatever else is doubtful, this at any rate is certain—that the Plains will never be occupied in peace until proper reserves are made and marked out upon the ground . . . to do this is an imperative necessity." Twenty-five thousand acres should be reserved for the natives, and all promises concerning fishing-stations, cultivations, and burial-places should be fulfilled. The forest reserve should include all the native settlements. The Commissioners advised how these demands, so often vainly made by the Maoris, should be acceded to, and how Parihaka should be treated. "No one pretends that we can tell Te Whiti and his people that they must leave it. . . . No good will come of putting off the day when the question of the reserves for the Parihaka people must be decided. They are there and must have land to live upon, and what is more, being there they certainly will not go away." Foolish as Te Whiti's delusions were, there was "no use in ignoring their continuing force." Spite of all that had happened, "obedience to his will" was implicit. . . . His influence was not confined to his own tribe. Therefore, the Commission combined their recommendations as to Waimate and Parihaka. "If we try to occupy the Plains

without his having any assurance that he is safe at Parihaka, we may find that we can neither get Parihaka nor the Plains, except at the price of a struggle, which no one can doubt would then be desperate." The triumphant tone of Te Whiti, two days after the Commissioners signed their report, might almost have seemed inspired by a knowledge of its contents. None but he could disperse the flood of evil which had been on earth since the days of Cain and Abel. "The place I have measured out shall remain sacred for my people. . . . You may fly under the wings of the Governor, but they will not protect you. . . . I tell the assembled tribes that they shall not be lost. If you have taken silver, then indeed you will be lost. What good have you got when you stretched forth your hand for it? Did it not turn to poisonous drink which maddened you? And then where was the land of your fathers? You sought and did not find it. . . . Though some, in darkness of heart, seeing their land ravished, might wish to take arms and kill the aggressors, I say it must not be. Let not the Pakehas think to succeed by reason of their guns. . . . I want not war, but they do. The flashes of their guns have singed our eyelashes, and yet they say they do not want war. . . . The Government come not hither to reason, but go to out-of-the-way places. They work secretly, but I speak in public so that all may hear. What say they of me? That I am a fanatic, a fool, and a madman. But I am none of these things. The land is yours: but that which I have lately seen (the armed swarm which has been poured upon it) is enough to distract my brain.<sup>1</sup> Still, we must let no action of ours increase the trouble of the land. They say I am excited by strong drink. If my head be disturbed it is through suffering for both races because they will not take the road of salvation. There are but two things to mention. The floods have subsided. No one shall step outside of that which I have measured. . . . Let the Government and all wise men think of these words. They have taken prisoners and have put them in secret places, but yet they are not hidden; they are before you. . . . They are not the words of Te Whiti who lives upon roots, but of the inspiration which comes to me from above." The land had no room for Judge or Commission; it was under

<sup>1</sup> "Surely oppression maketh a wise man mad."—Ecclesiastes vii. 7.



Te Whiti. "One of us wields a weapon of war, the other a staff, but there is one God over both, and I speak the word of the Lord of Heaven. Whatever people outside (the Commissioners) may say, they can do nothing. . . . The end of my work—not as a spirit, but as a man—shall not be spilt upon the ground by the Maoris, and the measured land shall not be trodden by others. I leave it now to Tohu (his companion) and the Government to say who is right, and who wrong." More than 2000 people drank in his words with fervour. Whether he would thus have spoken if he had known the recommendations of the Commission it is difficult to say. As it was, he caused doubt, hope, and fear. The Premier and Mr. Bryce conferred seriously with their military commandant at Opunake, near Parihaka, the day after Te Whiti's speech was made. Sentries were made more numerous. From Wellington it was reported that "very great uncertainty prevailed in well-informed circles as to the native crisis, owing to the varying interpretations placed upon Te Whiti's deliverance." His final allusion to Tohu was by some deemed warlike. "The best Maori authorities" could not interpret whether heavenly or human aid was relied upon by the prophet. An interpreter attached to the constabulary took a gloomy view. Those who wished to extirpate the Maori race cared little whether that end was accomplished in the field or by decay. If Te Whiti should yield, the land would be over-run, and his influence would perish with his disinherited people. If he should resist, the end would be sharper and speedier. As it had been in the days of C. W. Richmond and Humphries, so it was in the days of Bryce and Atkinson. The cumbering Maoris were to be destroyed. The bulk of the colonists had no such desires, but their humanity did not assume the form of controlling the inhumanity of others.

The Commissioners pursued their labours, but none of Te Whiti's people consulted them. Mr. Parris communicated the report of the Commission to Te Whiti, who was courteous but avoided discussion. Parris found Titokowaru friendly, and great care was taken in marking the line of road near Titokowaru's place so as to avoid encroachment. In April, however, after Bryce, Major Atkinson, and the Major in command had consulted

at Taranaki, increased activity was resolved upon. Five hundred and fifty men marched from Oeo to the immediate neighbourhood of Parihaka. As the constabulary advanced the natives followed, cultivated the open land and built houses. An editor complained that "credit for astuteness could not be denied to Te Whiti. If he had resisted the constabulary when they first went on to the plains the whole affair might by this time have been over, and the power of Parihaka a thing of the past; but his delay and the restraint in which he keeps his people are most embarrassing. His is certainly a masterly inactivity. . . . Our position is a very unhappy one. We assign reserves for natives . . . indicate (sites for) European settlement. The natives reply by building houses, fencing, planting, and occupying our camping-grounds. We cannot wait long to bring the question to an issue, and yet how is it to be done?"<sup>1</sup> It was deemed advisable to make known the tenor of the first report of the West Coast Commission before the Parliament assembled in the end of May, 1880. The Governor promised to lay the full reports before the Houses, and trusted that "the measures at once firm and conciliatory which had been adopted" would prove satisfactory, as the determination to redress known grievances and to assert the supremacy of the Crown would favourably affect "relations with the whole Maori race."

Colonel Trimble, in speaking on the address, lauded the labours of the Commission, and earned praise from Te Wheoro for having at last discovered that the colonists were, in Trimble's words, "greatly indebted to the exertions of Te Whiti in keeping peace," and "invariably preaching" it. Tawhai confirmed the statement, and in both Houses the recommendations of the Commission found acceptance. The Maori prisoners attracted attention. They had not been tried under the Act passed in the first session of 1879. Under the second Act the Government had postponed the trials from time to time. That Act would itself expire in July, but the Government declined in June to explain their intentions. On the 14th July the West Coast Commission made a second but not a final report. They prefaced it with a historical summary, misleading in some respects, but a

<sup>1</sup> 'New Zealand Herald,' May, 1880.

few phrases of which may be quoted. Of Te Rangitake they said: "It is worthy of remark that (in 1845) the settlement of Wellington was probably saved from destruction by the act of Te Rangitake, who was afterwards the cause of the Waitara war<sup>1</sup> at Taranaki, but who at the time we are speaking of refused to join the rebel tribes in their raid upon the settled districts. We believe that if his loyalty had been requited as it ought to have been we might never have known him otherwise than as a friend. The "unfortunate events at Waitara in 1860" were not condemned. In like manner the act of war in crossing the Maungatawhiri in 1863, and the warrants for apprehension of Ngapora and others, disappeared in a delusive sentence that "the king's standard was hoisted in aggressive attack upon our colonists as the rallying-point of defiance to the Queen's authority, and of the expulsion of the English people from the islands," and that thus began the Waikato war. The reader will remember that the Waikato chiefs earnestly implored that they might remain unmolested, and that the crossing of the Maungatawhiri by the troops was a premeditated act of war. Not a word was said of the confiscation in Waikato, nor of the larger confiscations which Whitaker and Fox strove to make. The operations under Cameron on the west coast in 1865, the friendliness of Te Whiti and Te Matakatea even while their tribe was at war, the confiscation of the territory in 1865, and the assurances that the defeated natives would be unmolested in their habitations, were chronicled. General Chute's march of 1866 was not mentioned, but the manner in which Titokowaru, in 1868, "swept away nearly all the settlements over a space of forty miles" and was eventually defeated<sup>2</sup> were recorded. In 1869, the land was a

<sup>1</sup> He was no more the cause of the war than a man is the cause of his own death when another slays him. Te Rangitake was alive to be robbed, just as a man is alive to be killed.

<sup>2</sup> No tribute was paid to the bravery and strategy of Rangihiwini in achieving this result. Rangihiwini was under a cloud in 1880. "Fire-water" had been his bane. There was a dispute about land at Murimotu, in the Wanganui district, and his conduct was turbulent towards other Maoris. Mr. Bryce dismissed him from the public service, as Native Assessor and Land Purchase Agent, in which capacities he had received salaries amounting to £400 a year. It was rumoured that he was about to join Te Whiti, and a newspaper remarked: "If this be true the position



waste. "All the paha and habitations of the Maoris had been utterly destroyed." No European dwelt there except a few under the shadow of a redoubt. Parliament voted money to assist settlers to re-occupy their farms. Before returning, the settlers "exacted a promise that if they returned to their homes the Government would forbid the rebel natives coming back. No native fire was to be lighted again by a rebel in the Patea country. This policy was sternly carried out. News having come in that small parties of Titokowaru's followers were creeping back to the north bank of Waingongoro, a reconnoitring party went out and shot two men and captured a woman; at another place some miles up the Waitotara river another native was shot and a second woman taken. For a time this severity deterred the insurgents from renewing any attempt to re-occupy their country."<sup>1</sup> Flushed with these successes the settlers went further, and Sir W. Fox and Sir F. D. Bell gravely stated: "Perhaps it was not unnatural that the exasperation to which they had been driven should have tempted many to distort the promise of the Prime Minister from 'rebel native' into 'any native.'" These words reveal how the use, which is second nature, prevented that which would have been a ghastly phenomenon elsewhere from appearing odious in New Zealand. The Commissioners held that the promise could not apply to Hone Pihama and others "who loyally helped us in the war of 1868, suffering jointly with settlers in life and property, and abandoned their private property at the call of the Government;" and still less to Rangihwinui "and his warriors, who had fought with great bravery by our side." Two problems pressed for settlement in 1870. Te Whiti already wielded a prophet's authority, and the question of opening a road between Warea and Umuroa had long been depending on his decision. Titokowaru and his people were moving from place to place among

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is extremely serious," as it would lead to other defections and give Te Whiti "the best fighting Maori chief in the island." It was not true, but the currency of such rumours indicated the state of public feeling.

<sup>1</sup> West Coast Commission, second report. Colonists had supped so full of horrors that the Commissioners were able to narrate these facts as if they were speaking of a wordy dispute between a customer and a shop-keeper about a pound of tea.

the tribes who had permitted him to dwell among them after the war. The Taranaki Native Board of advice, established by Donald McLean, desired to pacify their district, if need be, by allowing Titokowaru to return to his native soil, famous or infamous for his exploits at Te Ngutu-o-te-manu. The settlers south of the Waingongoro (where returning exiles had been shot) were resolute against the return of Titokowaru to his home. Stafford's Ministry was expelled in 1869 and Fox was in power, with McLean as Native Minister and Dillon Bell in the Cabinet. In December, 1870, Te Whiti and his people suddenly decided not only to consent but to assist in person in making the road through their territory, and the Taranaki Native Board complained of the "conflicting policies" which distinguished their friendly relations with the natives from the hostile bearing of the Patea settlers, who condemned all intercourse between Maoris "on the north and the south banks of the Waingongoro river." The Colonial Secretary, Gisborne, urged that immediate peaceful settlement was essential, and that McLean should be empowered to effect it, regardless of cost. Sewell, Minister of Justice, concurred, but Fox objected. "To adopt the suggestions of the Taranaki Board means to invite Titokowaru back to Te Ngutu-o-te-manu, and to excite a feeling south of Waingongoro certain to lead to renewal of hostilities. Let well alone."<sup>1</sup> It may be well to let alone a healthy condition, but to call an unsound body healthy is idle or mischievous.

Early in 1871 some of Titokowaru's people returned "by stealth to Omuturangi" at Waimate; others followed to Kaupokunui in August and began to cultivate. The reward offered for capture of Titokowaru being still available, "parties of volunteers went out on the chance of taking him," but Donald McLean stayed their proceedings. Titokowaru held a meeting of his people. He wished the Ngatiawa, who had harboured him in their country, to escort him back to his own, but they preferred that his return should be effected by arrangement with the Government. When the discussion ended the sudden appearance of nearly all Titokowaru's young men at Oeo excited the Europeans in December, 1871.

At that date McLean had other anxieties. Taurua and many

<sup>1</sup> March, 1871.

prisoners captured in the Patea wars were in prison at Otago, and their countrymen at Wanganui entreated that they might be released. McLean replied that "outstanding questions" must first be settled. Thus, while loyal natives who had fought for the Queen clamoured for the return of prisoners to the country south of Waingongoro, and settlers resisted their return, Titokowaru, on whose head a price had been set, was sending numbers of his people to the north of Waingongoro. The second report of the West Coast Commission declared that the return was effected with "singular astuteness." Not in one place, but throughout their old dwelling-places the Ngatiruanui appeared. "We ourselves believe that this grave embarrassment (at Patea), and the extreme risk which would necessarily have attended any steps to prevent Titokowaru's return, led Sir Donald McLean to conceive at that crisis the idea of not enforcing the confiscation beyond the Waingongoro." He formally approved an announcement that it would be "politically undesirable, and . . . practically impossible to prevent (Titokowaru's people) from occupying the country north of the Waingongoro, the confiscation of that country having been abandoned by the Government, so long as they behave themselves, and keep the compact about not crossing the Waingongoro." The Commissioners accepted their share in complying (as Ministers of the day) with McLean's course. They could not in the abstract justify a difference between the treatment of Taurua and Titokowaru. The former, captured in 1869, was tried, sent to Otago, brought back to Wellington in 1872, and released at Wanganui in 1873 by McLean, special reserves of land being assigned to his people, and Rangihiwini, having "pledged himself" for their good conduct in future. But the Commissioners thought no impartial man could condemn the Government for inconsistency. The Queen's troops had been removed, though "the Assembly had appealed to the Imperial Government to let even a thousand men stay for a year or two, offering to bear the whole cost of pay and maintenance." Te Kooti was abroad; the "king in Waikato" hostile; the colony showing signs of revival of industry, and bent upon peace. The first public works loan had just been raised, immigration had begun, roads and railways were being undertaken; farms were being recultivated on the



west. Lord Granville had "conceded the Imperial guarantee for a million," the Patea tribes were patiently awaiting Taurua's restitution, Maoris were employed in "bridging streams and forming the road" between Wanganui and Taranaki; the settlers north of Waingongoro were "constantly urging the injustice of subjecting them to the danger of an outbreak if Titokowaru were made desperate by a prohibition of his return."

To drive away the returning tribes "was to risk all that had been gained during two years of peace. There were but three courses open to McLean: to drive them off by force, to insist upon their return upon defined reserves, or to yield a tacit consent to their reoccupation and to bide his time. He chose the last." What the Commissioners wished to convey by the words "tacit consent" they did not explain. McLean's activity in the matter was shown by his purchasing under deeds of cession large tracts within the territory in which he had sanctioned the announcement that the confiscation had been "abandoned by the Government." In February, 1872, Te Whiti wrote to Tawhai (the Ngapuhi chief who was in 1880 asked to become a member of the Commission), asking his intervention in making peace. Tawhai informed the Ministry (Fox's), but they decided "not to let the Ngapuhi interfere." In August, 1872, Mr. Parris tried to make a rough survey of Waimate, but resistance by Titokowaru's people (whom he had joined when they were unmolested) induced McLean to stop the attempt. In Parliament, Wi Parata moved that it was desirable that the confiscated land should be restored, and McLean opposed such a declaration. But at that time Mr. Stafford arrayed his forces against the Government; and as McLean's influence with the Maoris was admitted on all sides to be essential in any Government, overtures were made to secure his presence in the Stafford Cabinet.<sup>1</sup> He declined. Nevertheless, Stafford obtained a majority of 3; and, having failed to procure McLean's help, became Native Minister himself, and intrigued for the support of the four Maori members, who had been equally divided on the vote which expelled Fox. The division by which Stafford was defeated showed three Maori members voting against him in order to secure the return of McLean to office. The new

<sup>1</sup> McLean's speech in the House.

(Waterhouse) Ministry enabled McLean to prove his gratitude by appointing two Maori members of the Upper House, and adding two Maoris, Parata and Katene, to the Cabinet. Questions about confiscated land were to be decided by McLean in conjunction with the Maori chiefs.<sup>1</sup> Before Stafford fell the House had advised the restoration of the confiscated lands; and the return of the Taranaki and Ngatiruanui to their homes at the north of the Waingongoro had elicited from Rangihwinui and others remonstrances against keeping the Maoris south of that river under restraints which were removed at the north. What fairness was there in "restoring the lands of people guilty of great offences, and taking all the land of him (Taurua) whose offence was small, or mine who have done no wrong?" Stafford made no reply to Rangihwinui, and the letter was put aside for "mature deliberation" by McLean.

The Commissioners considered that the whole course of events, the debates, and the "declarations of the leaders of both parties united to justify the natives who had returned to the country north of Waingongoro in believing that they would not again be dispossessed." They added that McLean subsequently took steps to convince the Maoris that the Government retained discretion as to restoration of lands. In 1873 he took Taurua back to Wanganui, and allotted lands to his people. At the same time he purchased lands within the confiscated area north of Waingongoro from the Ngatiruanui and Taranaki tribes, whom he invited to return to cultivate "the land not as strangers, but as children of the soil." His proceedings were duly made known to Parliament, and the West Coast Commission asked Sir Hercules Robinson (1880) whether "they did not justify a belief on the part of all the Ngatiruanui people that the Government had really sanctioned and encouraged their peaceful return to the tribal land?" It has been seen that the practice of purchasing the land from the returned exiles was converted by McLean, in 1876, into the irregular distribution of gifts or bribes under the name of "takoha," by which, to win

<sup>1</sup> Of these negotiations the West Coast Commissioners said nothing in their report, though they mentioned that Parata informed his friends on the west coast that it was "quite decided that all the land from Waingongoro to Taranaki was to be restored."

favour, money was shamefully paid on the plea of obtaining land to which the recipient sometimes had no claim. Major Brown's movements, after 1876, were narrated by the Commissioners, who reprehended the intrusion upon Titokowaru's homestead, and the abstinence of every Government from making the reserves which each in succession had promised. Mr. Sheehan's altercation with Te Whiti was not dwelt upon by the Commissioners; but the survey of the Plains, the removal of the surveyors (immediately after Mr. Sheehan's altercation), Mr. Ballance's peremptory demand for a sale, its revocation, and the ploughing of the settlers' lands by order of Te Whiti, were described in the second report. As to the awards of the Compensation Court at Taranaki, "it would be hard to match the tangle into which what ought to have been a simple matter has been allowed to get." Loyal claimants had been shut out; awards had not been carried out; high-born old Mete Kingi Paetahi, the comrade of the English in many a battle, had been grotesquely awarded "sixteen acres in extinguishment of his tribal right." It was disputed whether "rights of individual natives under awards (of 1866) merged in the (subsequent) restoration of the blocks to the tribe;" and awards made by the Government to Te Puni, Wi Tako, and other chiefs, in 1866, remained unfulfilled. "The spectacle of these five chiefs trying in vain for 13 years to get the paltry dole of land which had been promised to them in recognition of loyal service is sad enough; but when it is remembered that one of these chiefs was Te Puni, the earliest and truest friend whom the English settlers ever had, the story ought to fill us all with shame. We could not bring ourselves to believe that such a thing could be; nor was it till after repeated applications to the Native Land Department that we could be persuaded of its reality." It must have been with some misgiving as to the faith which would be reposed in them, that the Commissioners assured Maori witnesses that the act of ploughing, for which the aged Matakatea was arrested, would not be wrested into a crime for which he or his tribe would be deprived of land restored to him in 1866 by the Governor and Premier of the day. They condemned the system of "takoha" or bribery. They added that, "at any moment in all these years the trouble north of Waingongoro would have vanished if



instead of talking about doing the right thing any Minister had only set himself to do it. . . . If any of us are tempted to say the fault is all Te Whiti's, we ought not to forget how our own records show he never took up arms against us, but did his best in all that time to restrain from violence his unruly and turbulent tribe. If the story we have told has not made this clear, we have told it to your Excellency in vain."

Descanting upon the evil custom of employing vile persons as Government agents, the report urged that the spectacle of a Government allied with spies, and seeking to profit by their intrigues, could not but degrade it in the eyes of Te Whiti, who had "ever laboured to elevate the character of his people, and to restrain them from vices so fatal to a savage race." Sir W. Fox's voice was always raised in Parliament against the accursed traffic which pursued the Maoris with intoxicating liquors, and the report averred that one cause of Te Whiti's hostility to European settlement was the "dread of seeing his people demoralized by the public-house." . . . "According to Major Brown, he has been successful in doing what neither the wisdom of Parliament nor the vigilance of the Executive Government have done elsewhere;—he has prevented the sale, and to a great extent the use, of intoxicating liquors within his own particular district." In the minds of some Europeans this added to Te Whiti's crimes. The third and final report followed on the 4th August. It glanced at an incongruity involved in the proclamations, which professed to confiscate the whole of a territory in one sentence, and to declare in the next that some would not be taken. To all loyal natives their possessions were guaranteed, with compensation for any land taken as "absolutely necessary for the security of the country." The Commissioners shrunk from the broad light which the treaty of Waitangi would have thrown on the matter. Read by that, it was clear that, even though war might justify confiscation of rights of a rebel, those of loyal Maoris were held under the Queen's plighted faith, and included tribal ownership throughout the tribal domain. The eyes of the Commissioners could not bear such light. They did not allude to the treaty. But the Compensation Court had dealt with a fragment of the question which they were compelled to handle. It had been ruled that

sole proprietary title was "contrary to the truth of Maori ownership. A sole proprietary right could only exist when the tribe has become reduced to one man." Blind to the treaty, as was meet for former servants of the New Zealand Company, the Commissioners felt bound, by a flexible shuffle, to evade the judgment of the Compensation Court. They assumed that the rebellion of some forfeited the rights of all, and that it was sufficiently generous to calculate the share of the loyal, and award them fragments of that joint right which the Compensation Court had declared indivisible. No other interpretation was "consistent with common sense" in their opinion. It would "have been an imbecile idea" to forego the confiscation of rebel property because of the Maori usage of tribal right. They thought themselves not imbecile, and they "refused to hear counsel who wished to question the validity of the confiscation." By redeeming recent promises of Ministers "full justice will now be done." As to the treaty and the Queen's solemn pledges, it must be feared that the Commissioners thought them incompatible with the policy which had been propounded nowhere with less shame than on the west coast, ever since Colonel Wakefield made his alleged bargain for tribal domains at Taranaki, with a few waifs of a tribe, to the exclusion of the bulk of the owners. The Commissioners calculated that the fulfilment of absolute ministerial promises and judicial awards would involve reserves for the natives of 262,820 acres; they valued them at £638,535, and deemed them an "ample provision for the tribes," if Parliament would "enable the promises to be at last redeemed." As to the proposal of Sir George Grey's Government (to reserve 25,000 acres for the natives at Waimate Plains), with which they concurred, they pleaded that looking at "the number and position of the native villages . . . not much less land could be given if the promises of successive Governments were to be redeemed." Remembering that when the survey of the Plains with a view of immediate sale was pushed on by Mr. Sheehan, in 1879, not an acre of reserve had been marked on the land, or on any plan, the reader will judge whether the labours of the "madman Te Whiti" had been fruitless when they forced this confession from the Commissioners of 1880. As to the Parihaka reserve, they

pointed out that it had "been contended that no promises had been made." They could "not allow this for a moment." The promises in the original proclamations of 1865 "must be held to be sacred;" and no clearer promise could have been made than that of Donald McLean, in 1873, when he invited the Maoris to "return to the land not as strangers, but as children of the soil." The Grey Government were equally committed by reiterated intentions to restore the Parihaka block. It would be no less "absurd than dishonest to allege for a moment that Te Whiti was not in point of fact led to believe that, subject to his own good behaviour," it would be restored. They proposed to reserve 25,000 acres for the Parihaka natives; but they did not propose to keep the offer indefinitely open. Te Whiti ought not to be permitted "to keep the whole countryside in turmoil and danger as long as he likes." The Commissioners had plans for coercing or provoking him to the utterance. In their first report they had deprecated "the present occupation of the seaward Parihaka block." They withdrew their former opinion. Six miles from Te Whiti's settlement was Cape Egmont, where a lighthouse was required. It would produce a "very great political effect upon the natives if they saw the three things for which the Government have so long contended being done together; the road, the telegraph-line, and the lighthouse." . . . "At the very doors of Parihaka, the establishment of English homesteads, and the fencing and cultivation of the land, will be the surest guarantee of peace."

With the details of proposed settlement along the coast the Commissioners dealt fully, but they need not here be dwelt upon. They recommended that the functions of the Taranaki Land Board should be superseded by the general Government on all land between Stoney River and Waingongoro. The Government must have "large discretion." "After all, the thing itself is in transition yet. It was but the other day we presented our second report—and here is suddenly a new phase of the difficulty—one absolutely unique—where men are being sent by Te Whiti day by day to be taken prisoners without the slightest violence, or even trace of rancour or vindictive feeling. Here is a telegram but two days old. 'Have just had a long talk with a Parihaka native, who says he returns to Parihaka to be



arrested at the fencing as soon as he has settled his affairs; that Te Whiti's orders are that all the men at Parihaka are to go to fencing and be arrested except himself and Tohu, who are to stay to look after the women and children; and that the Pakehas do not yet understand Te Whiti.' Was there ever heard the like of it (exclaimed the Commissioners)? Acts of Parliament are powerless before such infatuation." Nevertheless, they summarized the provisions which ought to be included in an Act, and widely promulgated. "Last of all, if there is one thing that day by day comes clearer than another to our minds, it is that Te Whiti should not be left in his present isolation, and that a serious and persistent effort should yet be made to influence him. This west coast question will never be settled—unless indeed we do it by resort to force—except by some arrangement with him. To fill our gaols with prisoners, not for crimes, but for a political offence in which there is no sign of criminal intent, is not only a most harassing and perplexing process, but the worst of it is that it does not advance the one thing that is really wanted—peace upon the coast." Te Whiti should (if the recommendations of the Commission were accepted) be invited to concur in sharing (the disputed districts) with the Governor. "In what manner Te Whiti should be approached seems to us a matter for the consideration of your Excellency's advisers; we only venture to suggest that no time should be lost in doing it." The report, although it shattered the expectations formed about chasing the Maoris from the land, with any regard for decency or law, was received on almost all sides with favour. Sir George Grey declared it worthy of the colony, and replete with "a love of justice admirable in itself." Sir W. Fox expressed his sense of the "very handsome and kindly manner" in which Sir G. Grey spoke, and of the approbation of the press.<sup>1</sup>

<sup>1</sup> There was a leaven of old hatred. Mr. Scotland quoted (17th June, 1880) in the Council the following passage from a West Coast newspaper (1879): "Perhaps, all things considered, the present difficulty will be one of the greatest blessings ever New Zealand experienced, for without doubt it will be a war of extermination. . . . The time has come in our minds when New Zealand must strike for freedom, and this means the deathblow to the Maori race." "Good heavens (cried Mr. Scotland, himself a Taranaki resident), a war of extermination a blessing! . . . That is only a specimen of the Taranaki press."

An Auckland newspaper described the report as "almost a vindication of Te Whiti and his followers." The Government, warned of the nature of the Commissioners' recommendations, took measures to goad the Maoris still further before the final report could be presented, and the fencing by Te Whiti's people followed forthwith.

On the 15th July (the day after the second report was signed by Fox and Bell), the Government introduced a Maori Prisoners Bill, which rivalled in stark injustice and barbarity all that had been previously perpetrated. It stated that it was not deemed necessary to try the imprisoned natives, and was undesirable to release them. No Court was to liberate them on any plea, and the Governor was to move them from place to place as he might choose, and constitute such places gaols. If the Governor should determine to release any prisoners he might prescribe any conditions. If any prisoner should escape he might at once be arrested, not upon lawful cause, but by order of the Native Minister. Magna Charta and the Habeas Corpus Act were extinguished that Mr. Bryce might cope with Te Whiti. With unconscious irony one clause declared that the prisoners should "be deemed and taken to have been lawfully arrested and in lawful custody." The second reading was pressed on the 16th July by Mr. Bryce, on the ground that the existing Act would expire forthwith, and that the peace of the colony would be endangered if the prisoners held under that Act should be released. He required power to hold them. He was not renewing a Maori Prisoners Trials Bill, he said. Trial was "a mere sham." It was "a mere farce to talk of trying these prisoners for the offences with which they were charged." "Their offence was of a very much graver character." They were disciples of Te Whiti, and their "belief in him was very remarkable, if not wonderful." Parliament must furnish Bryce with weapons<sup>1</sup>

<sup>1</sup> The prisoners were arrested under a Malicious Injuries to Property Act. Their object had been to promote inquiry as to title to property. Many members admitted that to try them under the commitment was idle. Mr. Bowen (who had been Minister of Justice in the Ministries of Vogel, Pollen, and Atkinson) said: "We all know perfectly well that they would have to be dismissed if they were brought to trial. . . . Nobody believed that they were really arrested for the technical offence that could be charged against them." (Mr. Bowen-voted for Bryce's Bill.) Dr. Pollen said in the Council: "Nobody pretends there has been any crime. . . .

made for the occasion. According to existing law Te Whiti had prevailed against the Government, and would prevail, unless Parliament would cast aside all principles of justice and constitutional rights and give Bryce a blank charter to over-rule all law and all safeguards of freedom. Mr. Stewart vigorously repelled the proposal, and cited the words of the Great Charter which Bryce so little regarded. Tomoana declared that there was a Maori proverb, That the worst way of killing a man was to prolong his agony. In two sessions Bills had been passed with professions that the object was to try the prisoners. And now a Bill was brought forward to prevent the trials. "This is the worst way of murdering. It is making slaves of these men. . . . We thought it was intended to try them, and approved; but the policy of the Government is like an eel. You look at it in the water, it seems quite still and straight, but directly you seize it, it curves up, doubles and twists round you, and covers you with slime. So this Bill has changed its character and doubles round us all. Therefore I say it is as an eel, slimy, slippery. I do not like it. If it had fixed a date for trial of the prisoners I should have been content. . . . (Why did Bryce take) "a large party of troops to Taranaki? Did he go there to fight Te Whiti?—No. Te Whiti has always said that he cares not to fight. His only weapon is his tongue. With this he urges us from day to day. He has no firearms, no gunpowder. His tongue and voice are all that he uses; and, in my opinion, the Government have resorted to too stringent measures to oppose his voice." Mr. Turnbull averred that the facts disclosed in the West Coast Commission report were "a disgrace to a civilized people. We have ill-treated the Maoris for years; let us now determine to deal fairly and justly with them." Sir George Grey regarded the Bill as "cruel and unnecessary." It violated all principles of justice, and remorselessly inflicted great wrongs upon persons who might be wholly innocent. He fervently implored the House not to break the solemn pledges given, by the Governor and by two Ministries, that the prisoners should be

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I think it is a fraud of language to call them criminals at all." Sir F. D. Bell said: "No one imagined for a single moment that a Judge of the Supreme Court would have given any punishment under the provisions of the Malicious Injuries to Property Act."—New Zealand 'Hansard,' 1880.



fairly tried. Tawhai, in a historical summary of the manner in which for fifteen years Ministry after Ministry allowed troubles to grow at Taranaki, introduced the apologue in which he likened the poultry to the land, the Maoris to the owners of the hen-roost, and the stealthy fox to the agencies by which the land was acquired by the Government. "I suppose this Government revel in the thought that the work they are promoting on the west coast will tend to good. I think they are simply inviting all Maoris to rebel. . . ." Mr. Bryce had "boasted of the bold policy of the Government. How can it be a bold policy when there are only 130 native prisoners, and he is afraid to let them go back to where there are 800 soldiers? There are 800 soldiers on the west coast. They are doing battle against the word of one man." . . . "Let the prisoners be tried in the Supreme Court. . . . I should like to see the time fixed for their trial within three months. I hope that now and in future all Governments will adhere strictly to the law—that in settling difficulties between the two races they will be guided by the law, and not depart from it." Sir William Fox asserted that he was free from complicity in the Waitara war, which "broke out under Governor Browne during a period of profound peace." About his connection with the Waikato war; his conduct towards the Rangiriri prisoners; his proposed confiscation of territory, so as to leave numbers of loyal families homeless, he was wise enough in his generation to be silent. After a somewhat excited reply to Tawhai, Fox asked Sir George Grey where were his sympathies with the liberties of mankind when, in 1863, he assented to the New Zealand Settlements Act which Whitaker and Fox put before him, and which suspended all law and justice by subjecting "property and life to a court-martial composed of a few military officers?" Again, in 1869, Fox had passed a Disturbed Districts Act far more arbitrary than the Bill before the House, and Sir George Bowen assented to it. Fox still justified such Acts. How could Sir George Grey reprobate them? Was not Rauparaha arrested, "dragged away without any legal authority, in the arbitrary exercise of power?" Fox vehemently supported the Bill. Mr. Sheehan did the same thing, but declared that as regarded real honest dealing Fox might sit at the feet of Tawhai and learn much to do him good. Mr. Sheehan saw one

flaw in the Bill. "We may postpone the trial for 12 months or two years, but the right of trial is theirs, and this House, therefore, should not agree to take it away." Mr. De Lautour, undeterred by Sheehan's defection from the Opposition, would vote against the Bill. "I will not allow it, so far as I am concerned, to be handed down in our history that such a Bill was passed with unanimous approval." Fox had with "execrable taste" imputed morbid sentiment to the opponents of the Bill. "Morbid sentiment! that is a new name for that sentiment which resents injustice and cruel wrong." Reader Wood of the "wavering prow" reminded Fox that a measure passed during actual war in 1863 (when Wood was Fox's colleague) might be justifiable as a necessity, and yet yield no excuse for such a Bill as Bryce proposed in time of peace. Let members apply common sense to it. Hitherto it had been understood that the prisoners were arrested and were to be tried for trespassing. But Bryce declared "that was not the case at all . . . it was for provoking war" . . . and Fox the Commissioner, "just come from the very spot, says they never intended to provoke war. If that is so, they are in prison for nothing." Other arguments Mr. Wood used with his accustomed force, and announced that he would not vote for the Bill. An old enemy of the Maoris rose to support it. Major Atkinson, linked closely with the clamourers who forced Colonel Browne to the rape of the Waitara; an eager supporter of the war which ensued; Minister of Defence under Mr. Weld in 1864; and often included in later Ministries—was well fitted to champion the Bill. "I stand here to say to-night, on the behalf of the Government, that I would not remain in office an hour if this Bill were thrown out. To turn those prisoners on the coast of Taranaki means war to a certainty, and can mean nothing else." . . . (In Taranaki) we have Te Whiti in direct communication with heaven.—It is all very well to laugh, but if the honourable member had to sleep within a few miles of a man who has direct communication with heaven, and who might have a revelation at any time that it was necessary to cut my honourable friend's throat, he would think it was quite time to protect himself. . . . I am speaking quite seriously. . . . For myself I do not hesitate to say that I believe Te Whiti is so firm a believer in his Divine mission

that he would be quite prepared to be crucified. As long as he retains his power I do not think there is much fear of difficulty; but we cannot tell how long he will retain that power. . . . I would not remain in this seat one hour if these prisoners were let loose at the present time."

To persons in England it may seem strange that Major Atkinson, holding these views, consented to those measures on the west coast which tended to make the Maori abnegate his traditional character or resort to war. In New Zealand no surprise could be excited. The Taranaki desire to strike "a death-blow to the Maori race" was not concealed. It led to sympathy of those who called themselves Englishmen with the assassin Ihaia; it induced the burning of Te Rangitake's church and village in 1860; it displayed itself in 1879 in invading Titokowaru's homestead, and in craving for sale of land without protecting Maori burial-places; it found pleasure in rifling Maori graves for relics; it burned in 1880 for the signal to march upon Parihaka, and scatter Te Whiti's followers, or leave them for a prey to kites and crows. "Extermination" was proposed by Atkinson as the right remedy for Maori questions.

Mr. Moss, an Auckland member, deprecated Atkinson's language and opposed the Bill, because it would "destroy confidence of the Maoris in our sense of justice." Colonel Trimble, a Taranaki member, supported it as advantageous to the Maoris. He was "not one of the old settlers," but affirmed that "another war meant the utter extermination of the Maoris in Taranaki. The people of Taranaki, whatever the Government may do, will not allow this state of things to go on." Mr. Montgomery (from Akaroa), on the resumption of the debate on the 19th July, opposed the Bill as greatly unjust. Mr. Bowen, a former Minister of Justice, said: "We all know perfectly well that the prisoners if brought to trial would have to be dismissed," but he would "certainly vote for the Bill." Mr. Ballance, who, as Sir George Grey's Treasurer, had peremptorily ordered a sale of the Waimate Plains, animadverted upon the policy of the Government and the report of the West Coast Commission, but would vote for the Bill. Mr. Gisborne (recently in the Grey Ministry) thought that to pass the Bill without



ensuring the trial of the prisoners would enable Te Whiti to declare that his prophecy (that the prisoners would be released) had been fulfilled. Yet Mr. Gisborne would vote for the second reading, in the hope that the Bill might be modified so as to "deviate as little as possible from the ancient ways of the British Constitution." The Premier, Mr. Hall (who, to defeat justice, had made a vicious "order of reference" of the Ngaitahu deed), declared that if there was a people in any part "of the world of whom it could be said with less truth than another that it was oppressed, it was the Maori people." Mr. Brown disliked the Bill, but would vote to keep the Government in power. Mr. Pyke denounced the glaring injustice of the Bill. Was there not a special clause in the treaty of Waitangi, in which the Queen guaranteed to every Maori all the rights and privileges of British subjects? He scorned the policy of "expediency and dishonour, which Ministers strove to induce the House to adopt." Tainui argued forcibly against the Bill. Mr. Macandrew, after hearing the Maori speakers, was confirmed in his opinion that the "real solution of the Maori difficulty" would be to entrust to a Maori responsible Minister the administration of the Native Department "so far as it relates to purely native affairs. If we understood Maori, and knew their peculiar mode of thought, I believe we should admire the speeches of the Maori members very much more than we do. I believe that several of the (Maoris) are capable of taking charge of the native portfolio, and if such a plan were adopted I am convinced there would soon be an end of the native difficulty. Mr. Kelly, a Taranaki member, supported the Bill as right and just. Mr. Reeves, on the contrary, though hostile to a change of Ministry, hoped, for the honour of New Zealand and of the "country we come from," that the disgrace of passing such a Bill would be avoided. Rather than see it pass he would exhaust "every constitutional method" to obstruct it in the House, in order that, on the imminent expiry of the existing law, the Maori prisoners might go free.

Captain Russell had two tongues upon the subject. "In days to come, when historians write the annals of this country, they will view the struggle which has taken place from a very different standpoint from that which we can take who

are mixed up in its turmoils and disagreements. The men whom we look upon as rebels, and who some think are traitors, will, to my mind, occupy a brighter page of history than many of those men whom we look upon as faithful and loyal natives." Nevertheless, "as far as he knew the natives do not suffer in the same respect as Europeans from having been confined in gaol," and he "should naturally at all times support a Ministry in bringing a Bill of this kind before the House." Bryce, Sheehan, Atkinson, and Fox, thought it necessary, and Captain Russell (co-member for Napier with the notorious Sutton) would vote for it. Mr. Hutchison, member for Wellington, entreated the House to pause before, under Atkinson's threat of resignation, granting "such outrageous power to the Government." Mr. Lundon reminded the House that in 1862, Major Atkinson blustered about his ability, with a few volunteers, to "drive all the Taranaki natives into the sea." Mr. Ireland could not vote for the Bill without violating his conscience. He appealed to a rule which was alien from Atkinson's sympathies, as were Te Whiti's prophecies,—“Trying to do to others as he would that others should do” to him, he would vote against the Bill. Mr. Hursthouse, whose name was ever of ill omen to the Maoris, insolently retorted that if Mr. Ireland had done what the prisoners had done he also would have been kept in durance till Hursthouse and his friends might think fit to release him. He remembered the Waitara war and was satisfied that if "Titokowaru, or some other wily chief, were to take command of a small body of natives, he would set at defiance for years and years all the army we have on the west coast. I am one of those who have had some bitter experience in catching Maoris, and I am satisfied that all the troops England could send would not be successful in coping with a rebellion, at all events for some years." Although Hursthouse confessed "unhesitatingly" that many of the prisoners had "never done anything to cause their arrest," he would vote for the Bill freely and not under the trammels of party.<sup>1</sup> Te Wheoro protested against the Bill. Major Atkinson affected consideration "for Maoris because they were few. I believe he really says in his own mind, 'The natives have dwindled down; let us

<sup>1</sup> New Zealand 'Hansard,' vol. xxxvi. pp. 345, 346.

make no more concessions to them : they are no longer necessary.' . . . If you will give the natives the land you promised there will be no disturbance. I do not say release them without trial. I say try them first, and then release them. It is not right to seize and imprison them and then release them. How are people to know whether they have committed any crime or not ? Though they may be innocent the finger of scorn may be pointed at them in time to come. I do not think they would wish to be released without trial. It would be a source of trouble to them in after years. . . . To turn them out of gaol like dogs would be hard measure not only to them but to all the Maoris in the land." Tawhai bitterly suggested that the prisoners had perhaps been sent from the genial north to the severer climate of Dunedin "that they might perish there." Did the Ministry wish to release them now "without trial, for fear the Home Government should censure them for having imprisoned the natives wrongfully ?" A Bill to try them, so that the innocent might be released and the guilty might be confined, Tawhai would have supported ; but the one before him he must oppose. Mr. Andrews, from Christchurch, denounced the want of good faith shown in the Bill. "I never knew a Maori to break faith. I do not know that a Maori's word has ever been disputed in this House. . . . the more I know of them the more I respect them and the more faith I have in them." The treatment of the prisoners "shut in from the care of their wives and children or parents, was most severe, harsh, unjust, and cruel. I do not know that in my reading of history I have ever come across a parallel case. Certainly in English history there is nothing like a parallel." Mr. Andrews appealed to an insensate majority, and by 30 votes against 14 the Bill was read a second time,<sup>1</sup> long after midnight ; and in spite of opposition was hurried through all its stages.

<sup>1</sup> Forty members paired. The 14 present in the minority were Tawhai, Te Wheoro, Tomoana, Messrs. de Lautour, J. T. Fisher, Seymour George, Sir G. Grey, Messrs. Lundon, Montgomery, Seddon, Turnbull, Harris, and Hutchison. Mr. Macandrew, Mr. Pyke, Tainui, and 17 others had paired with a like number of supporters of the Bill. The majority within the House contained Sutton of course, with a son of Attorney-General Whitaker, and Messrs. Swanson, Ballance, and Sheehan. Mr. Reader Wood was the only one of the four members called "the Auckland rats," for abandoning their party in 1879, who did not support the Denial of Justice Bill in 1880.



The Attorney-General moved its second reading in the Council on the 22nd July. He explained that there were two classes of prisoners. Thirty-six had been summarily sentenced to imprisonment and bound over to keep the peace for another period. One hundred and forty-six had been committed for trial before the Supreme Court. By previous Acts the Governor had been empowered to postpone the trials; but on the 28th July, the prisoners could not be retained without fresh legislation. The Bill dealt with "the whole of the prisoners in custody." If he had been able to foresee the circumstances which had transpired in 1880, he would, instead of the Maori Prisoners Trials Bill of 1879, have advised the adoption of the more despotic Bill he held in his hand. He professed sympathy with the Maoris against whom so many breaches of promises had been proved by the West Coast Commission, but it was impossible to apply the laws of a civilized country to New Zealand, and it would be wrong to omit to do the technical wrong he advocated. Whether there were precedents or not elsewhere signified nothing. But he would cite precedents. In 1864, he and Fox kept in durance the Rangiriri prisoners of war without warrant. The Imperial Government suspended the Canadian Constitution in 1837. Several Irish Acts permitted the arrest of persons suspected of having been in a prescribed district at the time of commission of a felony or misdemeanour. The Disturbed Districts Act of New Zealand in 1869, which some members of the Council assisted to pass, was not so mild as the Bill before them. It imposed the extraordinary burden upon any Maori, arrested on suspicion by any officer, of proving, although no offence was charged against him, that he had behaved well for a year. Two justices or a stipendiary magistrate were the tribunal. "I am afraid (said the conscious Whitaker) if some of us were called upon to prove the same thing we should find ourselves in a queer predicament." His sneer at the Council for passing the Bill of 1869 was only a half-truth. The Council wiped out of that Bill some of the blots which befouled it, when it was put before them by the Fox Ministry. The truth was that Mr. Mantell referred it to a Select Committee—that one of the Judges drove the iron into the hard hearts of the framers of the Bill by recording, as

a witness, his hope that no Court of Justice would "entertain so fearful and odious a doctrine" as that, without discrimination between innocence and guilt, men whose guilt was unproved were to be "sacrificed in order to inspire terror"—that thereupon the Bill was amended, and "the drum-head court-martial" with other provisions was torn from it. Bad as the Bill was, it had not been accepted as propounded, though, even as it was, the careless Earl Granville, while not recommending its disallowance, pointed out its evil nature. Reference to the work of Mr. Mantell and Judge Johnson in 1869 would not have served Mr. Whitaker's purpose; and Mr. Mantell—perhaps weary of futile efforts—did not point out the simulation under which Whitaker cloaked his proposals. He was as lawless and uncompromising as when, in 1863, he strove to seize lands with the probable result, if not the intention, of provoking war. Then he had laughed at the treaty of Waitangi. Now, confident in Hall's majority, he declared: "If Parliament had not been sitting, so grave is the necessity . . . that I should have felt no compunction in acting outside the present law in order to keep these men in custody; but as Parliament is sitting, it is right that it should be consulted." Let the Council "follow the example of the other Chamber." The Council obeyed. They had fallen from their former standard. Colonel Whitmore seconded Whitaker's motion; though he feared that to pass it without providing for the form of trial, "might be used to produce a very bad effect upon the Maoris." He affected to be ignorant that the very object of its framers was to trample upon the Maoris, and if they would not submit to the hoof in peace, to bray them in war with the weapons which, in Te Whiti's phrase, were already singing their eyelashes at Parihaka. Mr. Waterhouse wished for remedial measures, but would not cripple the Government by resisting the Bill. At the same time he destroyed Whitaker's arguments of analogy by showing that in Ireland legislation preceded arrests—and the process was reversed in New Zealand. Mr. Mantell declared that there was no precedent for the Bill. It inflicted *ex post facto* penalties. It was a question for the Imperial Government whether it infringed the rights guaranteed in treaty by the Queen. He would vote against it, hoping that the Ministry might be able

to "preserve the peace of the country, though they will have great difficulty in preserving their self-respect." Other members shrunk from the Bill, but Sir Dillon Bell promoted it, admitting that among the prisoners were "men who had committed no crime." Captain Fraser vehemently denounced the incarceration of the old chief Matakatea. Colonel Brett stigmatized the Bill as "degrading to our British character and to the British flag." Mr. Scotland truly said that it represented the west coast influence in the Cabinet. Mr. Williamson, an Auckland resident, who had accumulated more wealth than he was grateful for, at the expense of the Maoris, scouted the treaty which Mr. Mantell had "talked about." He was a sufferer because the Queen's writ would not run in the country. Magna Charta was of no use to him. "I am concerned in one case where land was fairly purchased, . . . and yet we cannot obtain peaceful occupation of this land." Not obtaining sympathy for his own sorrows, he made light of those of the prisoners. "Instead of being a hardship, it is the greatest favour that could be conferred upon them."

On the third reading, Mr. Waterhouse moved a resolution excusing the adoption of the Bill on the ground of imperious danger, but found only eight supporters. Only three members joined Mr. Mantell in opposing the third reading. They were Mokena Kohere, Mr. Scotland of Taranaki, and Mr. Wilson of Hawke's Bay. The Ministry were triumphant indeed. Even the sense of honour in the Council had been paralyzed under the influence of a Ministry, the head of which, the popular Hall, had so long been their fellow-member. Whether Sir Hercules Robinson would have assented to the Bill if other violations of right had not been formally sanctioned by his predecessors, cannot be known. Though he had expressed his "wonder that the natives had submitted to such treatment so long," with regard to the unfulfilled promises of 14 years, he nevertheless (on the very day on which it passed the Council) assented to the Denial of Justice Bill, which the Ministry called a Maori Prisoners Bill. An Arms Bill, which gave great powers to the Governor, but was mainly a Consolidation Bill, passed both Houses without opposition.

The final report of the West Coast Commission (5th August)



was made after the Maori Prisoners Bill was passed, but not before Te Whiti had sent fresh men to be arrested for fencing across the road in course of formation near Parihaka. Before such infatuation Fox and Bell exclaimed that Acts of Parliament were powerless. The Government meanwhile forced, in one day (30th July), through the Lower House, another measure—the Maori Prisoners Detention Bill. It had not been translated for the Maori members, though a Standing Order demanded such a course, and the Speaker regretted the infraction of the Standing Order. It was, in fact, a Bill to enable Bryce and Atkinson to arrest and detain without cause any Maori on the west coast. The ostensible need for it was the fencing across the road, but Bryce thought that “technically that offence would scarcely subject them to arrest at all.” He demanded general powers. Natives arrested by his order on the west coast, on and after the 19th July, were to be detained under the Denial of Justice Act “as effectually as if they were included within the terms of that Act!” The debate need not be dwelt upon. Fox, Swanson, Bowen, and Gisborne supported the Bill: the latter on the ground that “war was hanging by a thread over the west coast,” and questions of right and wrong and responsibility ought to be postponed. Sir G. Grey, Mr. Stewart, Mr. Pyke, Reader Wood, and others, denounced the Bill, and Te Wheoro declared that if trouble should arise it would be due to Bryce’s Bills. By 41 votes against 24 the third reading was carried, and Bryce, aggrieved at the Opposition, said he “felt ashamed of their action,” and “a heavy responsibility would rest upon them for the attitude they had assumed.” Unblushingly he boasted that the Government had no intention of shrinking “from responsibility, because they had already taken these prisoners without any form of law.”<sup>1</sup> On the 4th August, Whitaker piloted the Bill with ease through the pliant Council. On the 5th, the West Coast Commissioners sent in their final report. Both of them had assisted in Parliament in removing all restraints of law from the Native Department before they delivered their judgment that its past history convicted it of falsehood, bribery, and cruelty.

On the 6th August, the Governor assented to the barbarous

<sup>1</sup> New Zealand ‘Hansard,’ vol. xxxvii. p. 19.

Detention Bill. On the 19th August, Mr. Bryce moved the second reading of a West Coast Settlement Bill, founded on the report. Mr. Robert Graham had already (17th July), with the knowledge of the Government, visited Te Whiti in company with the Arawa chief, Te Rangikaheke. Mr. Graham was one of those whom Te Whiti had befriended when they were shipwrecked in the 'Lord Worsley.' Te Whiti was courteous, but would not discuss affairs. "It is too late," he said. Mr. Graham found that the fencing for which the Maoris were arrested was alleged by them to be done to protect a wheat-field through which Mr. Bryce was cutting his road. "With a little management," Mr. Graham thought, "the controversy might have been avoided." Four men were sent to be arrested while Mr. Graham was at Parihaka. Te Whiti still felt that his "mission on earth was peace"—had provided no ammunition,—and the visitor wrote, "his chapter is an enigma, and by no means yet solved." Te Rangikaheke conversed freely with one of Te Whiti's friends, and believed—that Te Whiti was anxious for peace, and would let the whole tribe be imprisoned rather than resort to force; that the fencing was really done to protect a cultivated field, and that all that Te Whiti demanded was a thorough investigation. As to the captives, Rangikaheke wrote: "The children are left fatherless; there is no one to guard, to feed, or to clothe them. This is heart-breaking." It might be so to the Arawa chief, but it was otherwise with Mr. Bryce. His mission was to trample on Maoris, and if they would not submit to the hoof quietly, to bray them with the instruments of war. On the 19th August, he informed the House that "the mental condition of the Maoris was really most peculiar," and that the Government must "have very large powers indeed. . . ." "We have cut roads, carried the telegraph through the country, . . . and we propose to continue these operations, and to erect the lighthouse, which has been so strongly resisted by the natives, . . . and within a very short time to advertise a very considerable portion of this land for sale. . . . If the Maoris should be so ill-advised as to interfere with this settlement, they must be punished."

Sir G. Grey highly complimented Fox and Bell on their labours, which had produced the Bill before the House, and hoped

that they would be employed in completing their great work. This suggestion was enforced by Mr. Reader Wood; but Mr. Ballance, mindful of the check given to him by Te Whiti, thought that the Ministry should not demit to the Commissioners a duty which the Government ought to perform with "a display of power." Te Whiti was "one of the most astute men we have ever seen—a clever designing man." Though promises had been made, Mr. Ballance was "not prepared to argue that those promises should be given effect to." Circumstances had changed. Mr. Hall thought Mr. Ballance had "fairly stated the case." . . . "Unless you give the Government power to deal with the natives in this way, you must either abandon this territory, and goodness knows how much more besides, or you must in the long run be forced into hostilities." Te Wheoro and Tawhai, for whose behoof the reports of the Commission had not been translated, approved of the resolution to hand the long-promised reserves to the Maoris, but distrusted the Bill before them, which they had read. Mr. Pyke thought their distrust natural. "A more arbitrary, despotic, or unconstitutional measure than this West Coast Settlement Bill—except the Maori Prisoners (Bills)—never disgraced a Parliament of freemen. . . . All the crime the natives were guilty of was the re-erection of fences around that which they believed to be their own property, based on usage as sacred to them as any number of parchments. . . . The armed constabulary in a violent and hostile manner entered upon this land, destroyed the fences, ruined the cultivations. . . . Now we have a Bill to justify what has been done." He would "fight every clause in Committee." The sixth authorized apprehension and imprisonment for two years of any person who might "reasonably be suspected" of countenancing assemblages condemned by the Bill. Other members criticized the measure. Mr. Macandrew believed that "the future historian would refer to it as something quite as bad as anything that ever took place in the worst times of the Star-chamber. I look upon it as inspired by pretty much the same feeling as that which led to the massacre of Glencoe." Mr. Reader Wood hailed one clause which empowered the Governor to fulfil "awards, promises, and engagements." In an adjourned debate Sir W. Fox gracefully acknowledged the



approval given to the Commissioners by the Government, by Sir G. Grey, and by the press. Mr. Bryce thought it would be "unconstitutional" to divest himself of proper responsibility in carrying out the Commissioners' recommendations.<sup>1</sup> In Committee Mr. Turnbull endeavoured to relieve from possible arrest Maoris "reasonably suspected" by Bryce or his myrmidons; but the amendment was rejected by 37 votes against 26. Among the minority were the four Maori members, Sir G. Grey, and Mr. Macandrew. Atkinson, Hall, Ormond, Fox, and Sutton were in the majority. Some amendments were made, and the Bill was forced through the House on the same day, after a vain attempt on the part of Sir G. Grey to make the title declare that the object was "to carry out the recommendations of the West Coast Commissioners."

One clause demands special notice. It enacted that "the several natives who have been arrested or shall hereafter be arrested by virtue of the provisions of the Maori Prisoners Detention Act, 1880 (assented to 6th August 1880), shall be deemed and taken to be in custody under the Maori Prisoners Act, 1880 (assented to a few days before the Maori Prisoners Detention Act), and shall be detained accordingly." In other words men arrested under one Act were to be deemed arrested under another in accordance with the terms of a third; and all three Acts were passed in a few weeks in one session. Before the Bill reached the Council a member (Mr. Hart) vainly endeavoured to bring the reports of the Commission under

<sup>1</sup> Unconsciously he gave a picture of Parihaka. He had always said that the Maoris "did not intend to provoke hostilities,"—but if they "induced armed men with guns in their hands, and those guns in many instances at full cock, to drive them off by violence, those acts would lead to hostilities, whether they were so intended or not." Abroad it was studiously represented that the Maoris were turbulent and aggressive under Te Whiti. On the spot it was scarcely possible, and perhaps not thought worth while, to foster such a delusion. It may be remembered that the Commissioners, Fox and Bell, stipulated that, pending their inquiry and report, the *status quo* should be maintained as to titles and claims. Mr. Bryce, if correctly reported, deliberately violated the understanding. In March, 1881, he told his constituents: "I made roads, and I made them without the consent of the Maoris. I completed the telegraph-lines which Te Whiti had resisted. I caused . . . I falsified all his predictions, and put the camp within two miles of Parihaka."

consideration. On the 26th August, Mr. Whitaker moved the second reading of the West Coast Settlement Bill, which he admitted to be of so "peculiar character" that "under ordinary circumstances it would perhaps require a great deal to satisfy the Council that it ought to be passed." While the Government asked for power to do justice it asked at the "same time for power to prevent obstruction." It "is thought desirable that instead of arresting natives as hitherto and keeping them in safe custody we should constitute certain offences." . . . "No doubt this creation of a number of new offences will attract a great deal of attention." It was deemed a contravention of all the "principles of British law" to bring the prisoners to trial under provisions of the West Coast Settlement Bill, which would be "an *ex post facto* law;" but there seemed no glimmer of conscience in Whitaker that the clause in the Bill which enabled the Government to imprison them without trial violated not only British law but the immutable principles of right to which all law should conform. Whitaker had formerly cast doubts on the fact that there were "unfulfilled promises" on the west. He did not withdraw, qualify, or allude to them. It might have been inferred from his speech that the Government proposed to make generous gifts to the Maoris, and that the only excuse for its liberality was the fact that the condition of the coast had "involved a large expenditure, and might possibly involve a yet larger." One clause was a snare for Te Whiti, although the object was not stated. Among new misdemeanours such as—obstructing any official, cutting down buildings, "survey pegs . . . or other erection whereby the public peace may be endangered,"<sup>1</sup> digging . . . fencing . . . interfering with "any road"—any assemblage "armed or unarmed . . . countenancing the commission of any such acts as aforesaid" was created an offence, from the White Cliffs to the Waitotara. Any person "reasonably suspected to be present" for "countenancing," &c., might "be arrested by any of the armed constabulary without warrant," and be detained under the Maori Prisoners (or Denial of Justice) Act of 1880. There can be no doubt that in framing this clause, Bryce, Whitaker, Hall, and Atkinson contemplated the seizure of Te Whiti, at a convenient season, for "countenancing" acts

<sup>1</sup> Thus ran the statute, as barbarous in language as in aim.

which they had created "offences." They would transport his eloquence from Parihaka to a gaol. Even Whitaker with bated breath commended the clause to the Council. Colonel Whitmore seconded him in a speech devoted more to his own conduct in past years during the wars with Titokowaru and Te Kooti than to the Bill before him. Dr. Pollen followed Whitmore in his digression. Captain Fraser concurred with the first part of the Bill, recommending fulfilment of promises. The second, relating to offences, breathed the "harsh and hostile spirit of Mr. Bryce towards the native race." He would not vote for it unless Sir Dillon Bell would assure the Council that it was drafted by himself and Sir W. Fox. Sir D. Bell justified the Bill as it stood. He believed in its "merciful side to the natives and in the just side to the settlers." The Council passed the Bill without a division, and on the 1st September, Sir Hercules Robinson gave it the Royal Assent. Mr. Whitaker had previously contrived by strategy, which elicited some condemnation in the Council, to drive Taiaroa from the seat in which he might have exposed the brutality of the Bill. It will be remembered that when members had been found subject to disqualification both Houses had promptly passed Bills of Indemnity for members who had become disqualified. Acrimonious debates had taken place when Whitaker and other Ministers had forfeited their seats, but the discussion was political, and on no occasion had any penalty been inflicted for unwitting breach of the law. Mr. Hall, himself, had in the Council, been relieved by an Act. But Whitaker, like some others who had obtained importance by acquiring Maori domains, seemed to suffer hardship while any of the disinherited race held land or position. Taiaroa had been invited by Donald McLean in 1873 to accept a seat in the Council, but McLean had not performed his promise, and Sir George Grey's Ministry carried it into effect in after years. It will be remembered that Mr. Bryce dispensed with many native assessors on the ground of economy. Taiaroa on the 25th June, 1880, called for a return of the assessors thus discharged after long and honourable service, and on the 20th July moved that it be printed. Mr. Waterhouse expressed surprise at finding that what he deemed pensions for conspicuous services to Mokena Kohere and Wi Tako Ngatata had been



struck off as salaries which ought not to be continued. Waterhouse had thought of asking the Council to resent Mr. Bryce's conduct as a breach of privilege. The Disqualification Act of 1878 specially exempted existing Native members from disqualification by reason of being assessors. Mr. Whitaker turned the discussion from the position of Kohere and Ngatata to that of Taiaroa, who had been an assessor, and, though he had declined to draw any salary, had not technically resigned office. Whitaker doubted whether Taiaroa "was entitled to sit; and doubts involving the possibility of paying a fine of £50 a day for sitting and voting wrongfully should at least be cleared up." Colonel Whitmore could not think that Taiaroa had infringed the Act, and Taiaroa informed the Council that, when the seat was offered to him, the Native Minister (Sheehan) had telegraphed that it would be necessary for him to cease to receive salary. Consequently when the Paymaster at Dunedin offered him salary he declined it and had since taken none. The subject is not sufficiently important to require narration, except as a proof of the spirit which actuated the Government. On the 26th July, a member asked Whitaker whether the Government meant to relieve Taiaroa from the difficulty in which Whitaker declared him to be placed, and to remove doubts in the manner so frequently adopted before. Taiaroa meanwhile would not attend in the Council. Whitaker affected inability to answer a question of which he had had no notice. Taiaroa had not communicated with him. If Taiaroa's seat should be deemed vacant "it was entirely a matter for the Governor to consider whether he would re-instate him," and it would be "highly improper and irregular" for the Council to meddle. Sir Dillon Bell ungraciously supported Whitaker. Colonel Whitmore shrunk from the suggested meanness. The Ministry "should at once take whatever steps were necessary to relieve Taiaroa of his disability." Whitaker disclaimed any desire to keep the chief out of the Council. "He has not communicated with me, and not only that, but whenever I have the pleasure of meeting him he cuts me." Captain Fraser thought that fact a proof that Taiaroa had adopted English "civilization to a great extent, and that he was no doubt irritated by the remarks made by the Attorney-General." He thought it a

mistake for Taiaroa to cease to sit, and presumed that if the seat had by unfortunate "accident become vacant the Government would re-instate him because the Council" was happy to have in it a native gentleman so well-informed . . . "so rapidly adapting himself to our language and ways of thought," so good "an exponent of Maori views . . . and so high a chief." Mr. Whitaker was obdurate. A member (Mr. Wilson) moved for inquiry into the case, but the Attorney-General carried an amendment making the inquiry general, and a Select Committee was appointed to report upon the steps which ought to be taken when questions arose as to seats of members. In debate, Mr. Mantell, ever on the side of honour, said it was "strange that as the Attorney-General was the first to discover that Taiaroa was disqualified he did not at once advise his Excellency to send a message to the Council setting forth that fact, and re-appointing Mr. Taiaroa." The heat of the discussion was devoted to animadversions by Dr. Pollen and Sir Dillon Bell against Sir George Grey. A Special Committee reported that Taiaroa was disqualified. Mr. Wilson moved (25th August) that the report be affirmed, but that "Mr. Taiaroa at the time of being summoned was quite unaware of his disqualification for the office." Mr. P. A. Buckley supported the motion and wished that stronger representations might be made to secure Taiaroa's reappointment. Colonel Brett considered Taiaroa "neither useful nor ornamental. . . . Besides, he was an opponent of the present Government." Captain Fraser retorted that there was no doubt that if it were "the case of a European member," the restoration would be asked for. But the Government would not even allow it to be affirmed that Taiaroa was unaware of his disqualification. Sir Dillon Bell "believed that Taiaroa was under a mistake, that he did not want to take salary, and supposed that if he ceased to receive emolument, he would be able to retain his seat,"—but Sir Dillon Bell thought it highly improper to record his belief. Mr. Mantell seeing that the Government were as strong as they were hostile to Taiaroa, persuaded Mr. Wilson to withdraw the words objected to. Mr. Mantell nevertheless was convinced that the majority knew the words to be true. For himself he "had no reason to feel indebted to Taiaroa for support. . . . Disagreeable he might be and inconvenient as an opponent, from the tenacity with which he held his opinions,"

(Mr. Mantell) looked upon "him as a most able man, whom he regretted not to see at the present time a member of either branch of the General Assembly. . . . It was needless that he should speak of a gentleman who had sat there as a member, or of his value in their deliberations ; but he might say that he had known him since he was a mere boy, and was quite certain there was no honourable gentleman in the Council who was more desirous to be honourable, straightforward, and honest in his dealings than Mr. Taiaroa." The more able, the more patriotic, and more spurred by sense of honour Taiaroa might be, the more determined was Whitaker to silence him on the eve of forcing the West Coast Settlement Bill through the Council. It was not unlikely that Taiaroa would have shown that under it Te Whiti might be seized without warrant on suspicion of countenancing what Bryce disapproved. The day after Mr. Mantell's encomium on the chief, Whitaker carried the Bill as already described, and Taiaroa was mentioned no more in the Council. At the close of the session Mr. Sheehan asked in the other House whether the Government would as in all other cases (and as with regard to some of themselves in 1876) remove the technical consequences of the accident for which Taiaroa was blameless, but Mr. Hall was not prepared to make "any statement" upon a subject brought forward without notice. Along the whole of their lines, within and without Parliament, the Ministry was successful. Law, justice, and good faith had been placed under its feet by the Assembly. The voice of Taiaroa was silenced. The Governor had given the Royal Assent to a Bill framed to enable Bryce to goad, to plunder, or imprison without restraint the remnant of the tribes on the West Coast. The one bitter drop in the ministerial cup was that which Dillon Bell called "the merciful side" of the Bill, and which contemplated fulfilment of promises : but even that might be neutralized by Bryce and Atkinson in provoking Te Whiti by the craft of Whitaker, or the dissimulating candour of Hall.

The Bills which Mr. Bryce proposed concerning native affairs were numerous. The Native Land Act Repeal, Native Land Court, Native Reserve, Native Lands Frauds Prevention, Native Succession, Native Lands Stamps Duties, Native Lands Sales, and Native Lands Contracts Validation, formed the subjects



of several measures. Of these only a Native Land Court Bill was passed, although Mr. Whitaker relieved the Native Minister of much labour by introducing several of them in the Council. As originally framed the Native Land Court Bill insidiously proposed that any one native might apply to the Court for investigation of his title. Mr. Whitaker had once complained piteously of the sorrows of speculators compelled to obtain consent of Maori owners, some of whom were so obstructive as to die at a critical time, and thus thwart negotiations which the speculator had been long prosecuting. In the Lower House the Maori members, with the aid of Sir G. Grey and others, carried an amendment that "three or more" owners should concur in an application. It will be remembered that the Act of 1865 gave to Land Court Judges a tenure of office during good behaviour, and Donald McLean's Act of 1873 degraded them to a tenure at pleasure. The Act of 1880 repeated the dangerous enactment of 1873. As a measure which removed some cumbrous provisions of the existing law, the Maori members, Sir W. Fox, Mr. Reader Wood, and many others on both sides of the House supported it. On a Native Land Sales Bill, of which Mr. Bryce moved the second reading on 15th June, there was much contention. He admitted that the policy of the colony had "been a very crooked one;" that the system of Government purchases in competition with speculators, commenced in 1871 (when Fox was Premier, and McLean Native Minister) had "done more to demoralize and degrade the Maori race than all efforts at colonization could redeem;" that he "despaired of being able to make the House understand the terrible iniquity of the system which had been in vogue during the last few years;" that the "Government had committed iniquity, but had not got the desired reward for it;" that "the natives, as a rule, did not get the goods charged against them;" that "in innumerable instances monies charged as paid to natives were paid in fact to storekeepers for goods supplied" to Europeans, and "in some cases large sums were charged to natives who never had goods at all;" and he hoped his Bill would "relieve the Government from the miserable necessity of becoming hucksters, and being always ready as it were to take advantage of the necessities of the Maoris" in the iniquit-

ous manner he had described. On the motion of Te Wheoro the debate was adjourned. Before its resumption on the 20th July, Mr. Bryce had proved the worth of his protest against iniquity by forcing the shameful Maori Prisoners Bill through the House.

It will not be necessary to follow the debate closely. Tainui declared, "If such policy be pursued, all I can say is that the only friend the Maoris have is England." England had ever been friendly, and "cherished a hope that at some time or other the Maoris would comport themselves as estimable subjects." If Donald McLean were alive he would grieve "at the way in which they are being treated." Te Wheoro spoke long and well against the Bill, which he had carefully scrutinized without finding good in it. It seemed "to tie the hands and feet of the Maoris, so that the Pakehas might take their lands from them." No past evils were to be guarded against. Again, the Maoris were to be tampered with by odious sharpers, who would beguile the tipsy to sign away their birthright. Again, when an auction took place, the Maori would see with dismay the dissipation of the nominal purchase-money. "Part will be taken to pay the surveyors: fees of Court and costs ordered by the Court will have to be paid; also expenses of advertising, and duties payable to Her Majesty; also an amount to the receiver of land revenue, and five acres in every hundred; also the sum due for the Crown grant, and an amount for roads; also fees of lawyers and interpreters. I believe that these amounts when added together would amount to more than the £100 from which they have to be deducted. What would 50 owners of a patch of land, sold for £100, get in return for their land? This reminds me of an ancient Maori proverb,—'He with the dishevelled hair shall have nothing; while he with the fine head-dress will take all,'—which I interpret thus: The host who is at home gets nothing; he fasts while the guest has all the food. Observe that the land taken for road purposes is not taken to make roads through native lands, but through lands which have been sold and appropriated by Europeans. These deductions are made to form roads on lands in the hands of Europeans. Now, do you believe that Europeans would submit to a law of this sort? I think not. I believe that if you were to pass a Bill affecting thus the

lands of Europeans, that would be the day when a host would come into the House as Oliver Cromwell did into the Parliament of England. . . . If you really have any friendly feeling to the Maoris, why not give them some power of dealing with their own lands? If you do this, when the lands are sold you will have no further trouble about them. You would not have to spend thousands of pounds in appeasing them, and bribing them to sell their land; because the sales I speak of would be made in broad daylight. In speaking thus I ask no favour, no fresh laws on behalf of the Maoris. If you look at the treaty of Waitangi you will see certain words of our Queen. 'In consideration of the native chiefs acknowledging the authority of the Queen, Her Majesty will protect all the natives of New Zealand, and she confers on them equal privileges with all British subjects.' " He complimented Mr. Bryce for the disclosure of admitted iniquities, which, when alluded to in a former session by Te Wheoro, had elicited no condemnation in the House. Those iniquities were the cause of previous trouble, but who had suffered? The offending officers pocketed the money. "Those who had done no wrong suffered. They who committed crimes are now free." Tawhai replied to Captain Russell's statement that Maori members always objected to Native Bills:—"Yes; and I will tell you why. Because they were bad Bills, and feelings of caution made Maori members oppose them. . . . Think not that the Maoris are ignorant of the load about to be placed on their shoulders." Let Mr. Bryce allow a breathing-time, and stop all sales for two years. "But I fear that in urging him to do this, I only waste my words, for I am almost certain that the hearts of the Government are steeled against anything of the kind, and that this Bill is intended to heap grievous injustice upon the Maoris; because you—the Europeans—are all well aware what the Maoris are; that they have not enough strength of mind to resist temptation; that if any one offers a price for their land they may at first refuse, but in a short time will consent. . . . One member had promised to oppose portions of the Bill. I say to that honourable gentleman, Be firm to your word. Do not depart from it, but carry it through, lest you be like one of the honourable members for the Thames,<sup>1</sup> who

<sup>1</sup> Mr. Sheehan, who voted for the third reading of the Prisoners Bill,



promised to support an amendment in a Bill we have discussed and which has been passed. But it was only a promise. When it came to a point he was seen on the other side. My opinion of this Bill is, that it will be our death-knell. It will hasten our departure from this world. If there be any opposition to it, I will form one. Even if all other members support it, my vote shall be given against it." These words from the son of one of the earliest friends of the English, extorted tribute from Sir W. Fox. "I must congratulate the House upon the able manner in which the native members have upon this occasion addressed us. It is very gratifying to hear so much intelligence exhibited and so much study and reading displayed. . . ." Nevertheless Fox pronounced in favour of the Bill. Mr. Ballance promised to vote for it. Mr. Moss, a former supporter of the Ministry in which Ballance was Treasurer, opposed the Bill, and Tomoana pleaded that Maoris should have a voice in administering their lands. "The only treasure a Maori has is his land; and if that be taken from him he dies. If this Bill be carried, no land will be retained by the Maoris, nor will they receive any benefit from the measure. Through the Land Court already they had lost most of their land." Fox had complained that Maori members objected to Bills, but made no suggestions of amendments. "I am glad that he has said so in this House. Now I say in reply that applications from the Maori people came to this House while that honourable gentleman was a Minister; when we asked the Government to constitute a Native Land Court, so that although a European should be at the head, Maori committees should form the working element. But the honourable gentleman disagreed with us. So would it be again if he were Native Minister. He would say to suggestions of this kind, Cut your conversation as short as possible." Like Tawhai he would utterly oppose the Bill. After adjourned debate the Bill was read a second time, Te Wheoro stating that he did not call for a division because of the absence of members on his side, but "in Committee he would have something more to say." Mr. Reader Wood subsequently moved a resolution to empower the natives, without Government interference, to deal with lands for

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after failing to incorporate in it an amendment to guarantee trial for the prisoners.

which they had obtained certificates of title. "I ask . . . whether a native of New Zealand is not, in every attribute that becomes a man, equal to the European who has come into these islands, with the single exception, of course, of acquired knowledge, and of that wretched varnish which has been called civilization? Taking man for man, I ask whether the native is not equal to the European?" Sir George Grey, Mr. Moorhouse, Tomoana, Captain Colbeck, and Tawhai condemned the Bill. The latter described it as a means to place the land of the Maoris in the hands of others, and depriving the owners of a voice in the disposal. "Is there one member in this House, having daughters, who would place them in the hands of a company to provide husbands for them? That is what this Bill does with regard to lands. It places them in the hands of a company—of a body of persons—to sell for us." Mr. Hall earnestly advocated his Bill, and insinuated that the Maori members had been "misinformed." Mr. Sheehan predicted that the Bill would fail, if passed, because the Maoris would refuse to act upon its permissive clauses. The Government defeated Mr. Reader Wood, but the triumph was barren, inasmuch as the Bill never emerged from the Committee. To a Native Lands Frauds Prevention Bill Mr. Bryce expected no opposition when he received it from the Council. To Tomoana's question whether it was to be retrospective, Bryce replied "it would apply to the past as well as the future." It lapsed on the 19th August with five other native Bills. A newspaper, not of a partisan character, summed up the session as "barren of everything but talk." What it had yielded with respect to native affairs, except the confession that the faith so frequently broken ought to be kept, was little indeed; and it is painful to reflect that Sir Hercules Robinson, on the eve of departure to his government in South Africa, was called upon, and consented to sign the Prisoners Bills, and the offence-creating clauses of the West Coast Bill.

There was some acrimony about the action of the Ministry in regard to land at Patetere in the Waikato district. A company had in 1872 entered into negotiations with Maoris for a block of land there, supposed to contain 250,000 acres. They took the precaution to ask Donald McLean whether the Government would interfere, and were told that they would not, unless

trouble should be likely to arise. In 1873 they procured a lease by the usual arts, and were surveying blocks when the murder of Sullivan on lands within Tawhiao's territory checked their operations. The certainty of collision in case of their perseverance may be inferred from the fact that the alleged area of their leasehold was found to exceed by about 85,000 acres the quantity to which they had a presumptive claim. They applied for relief, and the Government bought their interest. The rent due under the leases was £907, and Mr. Bryce stolidly told the House (15th June, 1880): "It is a curious feature in connection with those leases, to which we attach so much importance now, that they have been altogether disregarded as far as payment is concerned. We have not paid any of that rent, although we have held the leases for a considerable number of years." They who remember the Maori reserve at Dunedin will not think it curious that the Patetere rents were neither paid nor lodged to the credit of the proprietors.<sup>1</sup> Mr. Bryce affected to sympathize with them, and asked "whether it is any wonder that the Maoris grew into a state of extreme irritation and anger on account of the hold which the Government kept over the block, because of the lease which had been bought, and upon which no rent had been paid." A deputation had visited Bryce, and "the chief of that deputation made one of the most business-like speeches I ever heard from either a white man or a Maori. It lasted over half-an-hour." Blood, the chief said, would flow if the survey should be pursued. Bryce stopped the survey, knowing that "the discharge of a couple of guns, with or without injury to any one, would very likely stop it."

<sup>1</sup> Account was kept of payments made by the Government. The Land Company received £3600. A sum of £3631 19s. 7d. was recorded as having been paid to Maoris—but Bryce said that the Maoris "declared they had never received" it. Survey, coach-fares, travelling expenses, and various items swelled the total to more than £11,000. "I may say that many objectionable things seem to have been put down to Patetere. . . . The rule seems to have been, when any payment was very doubtful to charge it to Patetere." (Bryce's speech, New Zealand 'Hansard,' 16th June, 1880.) "I despair of being able to make the House understand the terrible iniquity of the system which has been in vogue. . . . Is it to be supposed that the Maori will not dispute the account, his signature to the contrary notwithstanding, seeing that he had not the goods charged against him."



At this time a proclamation of the block prevented Maoris from selling to any private person. They held a meeting, and telegraphed to Bryce, asking him to "take the proclamation off the blocks. I said, 'No, I cannot do that. I find Government interests there, and it is my duty to protect them!' My reply was received . . . the meeting broke up in a great deal of irritation and anger, which I am bound to say were not altogether without cause."

Then followed one of the enterprises common in New Zealand. Mr. Sheehan plied his vocation as a lawyer in the Waikato district. An Association was formed at Auckland containing friends of the Ministry, and they employed the late Native Minister (Sheehan) as their go-between in asking Bryce to do for them what he had refused to do for the Maori owners. He would do so for a price. "If the Government can see its way to getting its advances back from the proper people—that is to say, from the owners of the land—the anxiety of the Government to go on with the purchase will not be very great." On the 7th July, Sir George Grey moved that all the papers relating to the Patetere block be printed; and Bryce was fain to consent, though he complained of the expense. When the papers were seen it was remarked that there were "confidential" telegrams between the Judge of the Land Court and Mr. Bryce; and it appeared (from one from Sheehan to Bryce in reply) that one from Bryce himself to Sheehan was omitted. Mr. Bryce had "believed (9th July) he had put upon the table every scrap of information;" but, on looking at the telegram to which Sir George Grey's question called his attention, it seemed that one must have been mislaid, and he would cause inquiry. A Select Committee was appointed, but it had not concluded its labours, nor did it obtain certain important evidence until a few days before the close of the session. Under such circumstances, a member asked the Government (24th August) to maintain the existing state until the Committee could report. Mr. Hall declared that the Government would not proceed with the purchase, but that on repayment by the natives of the sums advanced the proclamation would be withdrawn, and the land would be open to the usual speculations. On the 28th, Sir George Grey endeavoured to move that no

decision should be arrived at until the House could have an opportunity of expressing an opinion, but was prevented by Mr. Hall. The House was to be prorogued on the 1st September. On the 30th August, Sir George Grey gave notice that he would move, on an early day in the next session, resolutions which averred that by enabling private speculators secretly to obtain land which the Government had acquired as public territory—proper settlement was discouraged—the natives were robbed—and that by entering into such arrangements as proposed in the case of the Patetere block, “through two members of the House acting as paid agents of an Association,” the Government were “corruptly bestowing an interest;” and whilst “betraying a public trust, imperilling the independence of the House.” Mr. Sheehan, one of the members alluded to, suggested immediate discussion. Otherwise the notice would place him under a ban for months. The other member, Mr. Whitaker, a solicitor and a son of the Attorney-General, was equally indignant. Sir George Grey retorted that the Premier had refused to allow him to move in the matter. More than one member (including Sir W. Fox) agreed that the question ought to be held in suspense. Fox urged the Premier to assure the House that the removal of the proclamation would not be decided upon until the next session. Mr. Hall warily pleaded that in the absence of Mr. Bryce it would be discourteous to make a final promise, but the Government would examine the matter further. The notice was thereupon withdrawn, and Mr. Sheehan indignantly repudiated any imputation of sinister conduct in a matter with which his connection was “essentially and purely of a business character.” Mr. Hall’s assurance pacified the House, but there was little doubt that he had no more serious object in view. It remained with Mr. Bryce to deal with the matter, and his sense of good faith towards the Maoris was a feeble guarantee that they would be protected. He soon afterwards notified that application would be made on the part of the Queen to the Native Land Court to determine the interest of the Crown in the Patetere block; and a few months later the proclamation was withdrawn; and the land was ostensibly open for acquisition by the public. But the public were in reality debarred from competition, as the Maoris were

deprived of its fruits. The negotiations of Messrs. Sheehan and Whitaker with the natives were so involved with the authority of Mr. Bryce, that the release of the block from prohibition of sale was accompanied by conditions which excluded it from open market. A newspaper hostile to the Government declared (Christchurch, March, 1881) that the "nefarious compact between Mr. Bryce as Native Minister" and the representatives of a knot of land speculators had been fulfilled, and that the "whole unrighteous transaction had, with the connivance of the Government, been so managed that the ostensible release of the land was in effect an almost immediate Crown grant of it to the clients of Messrs. Sheehan and Whitaker." The case was one of many, but was worth describing because of Mr. Bryce's eccentric professions of virtue.

The general legislation of the session was comparatively unimportant. Incongruously with their own measures the Government passed Bills to prevent cruelty to, and for the protection of, animals. Mercantile Law, Marriage, Municipal Corporations, a Counties Act, Building Societies, the Tariff Excise, the Rabbit Nuisance, Dog Registration, were dealt with in consolidating and other Bills, the fruit of the labours of a Commission, to which the memorable Judge Johnston lent aid. Mr. Hall succeeded in passing a Bill which, following recent English legislation, transferred the trial of election petitions from Parliament to the Supreme Court. By retaining, in an Act which consolidated the juries law, the jury of presentment or grand jury, New Zealand could still boast a connection with the safeguards of British law, which the Australian colonies had, without an exception, been so unworthy as to discard. The grand jury was drawn from the special jury book.<sup>1</sup> The treaty of Waitangi entitled the Maoris to "all the rights and privileges of British subjects." Whitaker cramped them thus: "Any Maori whose capability" was certified under regulations issued by the Governor in Council was

<sup>1</sup> The 'special jury' book was formed by taking from the general jury lists all men described as "esquires, gentlemen, merchants, managers of banks, civil engineers and architects, and also such other persons whose names appear on such lists (known to the Sheriff) to be of the best condition, so as to make up such a number of special jurymen as (the Sheriff) shall consider to be necessary."—N. Z. 44 Vict., No. 16, 1880.



qualified and liable to serve "on any Maori jury or mixed jury, on any case affecting" the person or property "of any Maori."

A brief Act vested in Her Majesty lands appropriated by natives for the purpose, for school sites; but it caused no debate.

The question of paying members of Parliament, which had convulsed the colony of Victoria so long, was discussed in New Zealand in July, 1880. Mr. Peacock moved in the Council that, with a view to strict retrenchment and to avert taxation, the provision for payment of members of Council should be excluded from the estimates. The payment retained the old name, *honorarium*. He was jeered by Sir Dillon Bell. He was opposed by others, and 29 votes against one defeated his unpopular proposal. The question was discussed by the Representatives, but payment was not abandoned. A few days afterwards the Lower House was asked by the Premier to pass a vote by which the payment of members would have been reduced 20 per cent. Efforts were made to deprive the Upper House of any portion of the amount to be voted, but Parliamentary forms stood in the way. Eventually a motion was carried by which a reduction of 10 per cent. was made. Some members deplored the abasement of members in consenting to reduce their salaries. Mr. Sheehan, who voted against any reduction, averred that "the basis of free institutions and a liberal policy was payment of members," and it is not reported that any one laughed. As in Victoria so in New Zealand, after gold-seekers had acquired predominance in the election of a large proportion of members the tone of the House was lowered, and a man who would promise anything, however impossible, to his constituents, might say anything, however foolish, in Parliament. Mr. Hall's motion was lost by 4 votes, but the reduction by 10 per cent. was carried by 50 votes against 20. Sir W. Fox remained in the House to support Mr. Hall, and declared that he would have been ashamed to see his constituents if in time of general distress he had opposed the reduction of his *honorarium*. Sir G. Grey's principal desire seemed to be to exclude Legislative Councillors from sharing the plunder of the Treasury. There was a feeling abroad, though it was expressed in mutterings rather than sought to be reduced to action, that the scramble

in the Lower House was not creditable to the country, and some members desired to do away with annual debate on the subject by passing a Bill. But the experiment was tried and failed in 1880, before the item was dealt with in Committee. Mr. Seddon had introduced a Bill fixing the salaries of members of both Houses. A member of the Upper House was to receive half the salary given to a member of the Lower. Mr. Seddon's Bill was read a second time; but he failed to carry it through Committee, and it had practically lapsed before the exciting discussion on the estimates took place.

The Hall Ministry deserve commendation for the prudence with which they recognized the legislative rights of the Upper Chamber. They drew a separate Bill to give effect to resolutions reducing permanent salaries by 10 per cent. They had intended to insert the necessary clause in the Appropriation Bill, but (Major Atkinson said) "it was considered doubtful whether that might not be looked upon by the Council as a tack, and therefore the Government brought down a separate Bill."<sup>1</sup> Both Houses passed it. They were prorogued on the 1st September.

Armed with his double-edged Settlement Act, Mr. Bryce proceeded to the west coast to cause it to be proclaimed. The penalty of imprisonment for two years with hard labour was explained at Parihaka on the 2nd September, and on the 4th, 83 Maoris presented themselves to be arrested.<sup>2</sup> The puzzled

<sup>1</sup> Mr. Whitaker informed the Council that he had objected to the tack. The student of Victorian affairs must sigh to think that if Messrs. Higinbotham and Michie (the law officers) had not, with the assistance of McCulloch, Francis, Verdon, and Grant, forced on a tack which was monstrous in comparison with the one avoided in New Zealand, the long disputes between the two Houses in Victoria might never have occurred.

<sup>2</sup> Some official telegrams from Colonel Roberts to Mr. Bryce will make it clear that the so-called disturbances at this period were mere attempts to protect crops. Bryce, to provoke the Maoris, made roads through their fields, breaking down fences in the way. On 9th June, 1880, Roberts telegraphed that they had "repaired one of the fences broken down when the road line was carried through the Parihaka clearings." 11th June: (They have) erected another fence, but I do not think it is in any way connected with blocking up the road, but simply as a divisional fence." 16th June: "gaps will be made through the fences to-day." (The fences were pulled down and re-erected several times.) 28th June: "Te Whetu, Te Whiti's secretary, and another native, sent word that they wished to speak to me. I met them where the road is made through the

but obstinate Bryce took 59 able-bodied young men but rejected 23 boys. On the 5th September, the children returned with an old man, but again failed to induce Bryce to arrest them. One of the men arrested had gone cheerfully to gaol, although he knew (he said) that "it might be his coffin." An Auckland newspaper could not decide whether the Maoris were "at last cowed" or not. It declared that at his September meeting Te Whiti had "again spoken, and, as usual, Pakehas and Maoris wondered what his utterance meant and were devoutly puzzling over it." It was hoped that hard labour, under the offence-creating clauses of the new Act, would at least bring that conviction to the minds of the victims which it seemed impossible to bring to Te Whiti's. In the end of September about 60 prisoners were tried at Taranaki under the Act. They were accused of unlawfully obstructing a thoroughfare in the district described in the West Coast Act. Their counsel asked that the indictment might be quashed on the ground of uncertainty of definition of the district within which the alleged offence of obstructing Bryce's instructions was committed. Three sides were named in the Act but no fourth. Who could say where it

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fence. They asked me to put up a gate. I pointed out that a gate would not save the crops—suggested they should fence the road off. They said it was too much work and they could not do it. . . . I agreed not to let the pigs into the sown paddock to-night and to report to you. I am of opinion they would be willing to fence the road off if we assisted. The men seem to be in a very reasonable and talkative mood, and if carefully treated would be willing to come to reasonable terms. 15th July: . . . fence pulled down. Two natives came to put it up, stating that they did not want to stop the road, only to protect their crops. After a great deal of talk they asked if I would allow the fence to be put up high enough to keep out the pigs, and consented to have the fence in that state for the night. They are willing to put up a swing-gate. . . . Please let me know if you will authorize such being done." (Bryce at this time was engaged in passing his Denial of Justice Bill, and telegraphed to Roberts, who told the Maoris that Bryce) "would only approve of a gate as a temporary measure until they had fenced the road off. Te Whetu said it was for us to fence, that he would not." The Maori Prisoners Detention Act, 1880, being hurriedly passed, 30th July, in the Lower House, Roberts, under Bryce's orders, arrested more than 200 Maoris without resistance. At last, 12th November, the harassed cultivators found out a middle way. They put up slip-rails, movable by travellers. Roberts having telegraphed for instructions was permitted to let the slip-rails remain. There was no more fencing, and the road-makers went on with their work.



ought to be? The prosecutor (a fit heir to Colonel Wakefield, who claimed boundaries by a wave of his hand,) insisted that the sea-coast must have been intended. The Judge sentenced the prisoners to two years' imprisonment, and to find securities of £50 each at the end of the term; and added the astounding warning that the duration of their punishment would depend upon the manner in which their countrymen might behave. In October Matakatea was released with a few followers.

Sir Hercules Robinson had quitted New Zealand in September, and his successor, Sir Arthur Gordon, had not arrived. The Chief Justice, Prendergast, was Acting Governor. Mr. Bryce was completely master of the situation. Sir F. Dillon Bell had been appointed Agent-General in London in room of Sir Julius Vogel, who, by claims for remuneration and by candidature for a seat in the House of Commons, had at last persuaded the colonists that he cared more for his own interests than for theirs. Sir W. Fox became sole Commissioner to carry out the recommendations of the West Coast Commission. A sale of portions of the Waimate Plains was held early in November, and the average price was about £6 an acre. Great satisfaction was expressed in a newspaper at "this first experiment of selling a part of the confiscated land," and "vindication of the policy of the Government." Another sale was resolved upon. Still Te Whiti preached peace. Mr. Parris was sent twice to deal with him, but Te Whiti refused to hear him. In the end of November some survey-pegs were pulled up; and Bryce declared that he would postpone all other business in order to apprehend any culprit. This order, said an Auckland newspaper, "unquestionably means a march to Parihaka. . . . The crisis has arrived, and the Government are bound to send a force to the head-quarters of resistance." The duty which was so clear to the editor after the fact, had without doubt been planned when the offence-creating clauses were framed. Te Whiti's capture was the one thing wanting to Bryce's contentment, and no constitutional safeguard had weight with Bryce or Whitaker. It was observed, however, that no one could detect a native in the act of removing survey-pegs, that Te Whiti still preached peace, and that his followers pointed to the release of Matakatea and others as a confirmation of Te Whiti's prophecies. Some of the

Ministers felt that "a march on Parihaka" would seem unjustifiable, and it was not made. Much of the under-plotting of Bryce and his abettors is unknown and is not worthy of research. But something may be gathered from his own confessions. The withdrawal of Sir Hercules Robinson from the scene on the 8th September called the Chief Justice, Prendergast, to the administration of affairs. His bold contempt for the treaty of Waitangi and of the rights of Maoris as British subjects was elaborately recorded by himself with regard to rewards offered for Maoris dead or alive. It was natural that Bryce should hope to obtain his sanction for acts of violence. To a man like Sir Hercules Robinson it was incumbent to pay deference. With Prendergast Bryce had a fellow-feeling. Accordingly, violent measures were recommended. Bryce publicly stated (in March, 1881) that in September, 1880, he recommended active measures, with which a majority of his colleagues did not agree. "In September, I sent in my resignation on the ground of divergence between myself and the Cabinet, but I withdrew that resignation because I thought I saw good grounds for hoping that by giving up certain points to that portion of the Ministry who differed from me I should get my own way on the essential point."<sup>1</sup> The Ministry abstained, in 1880, from using the hand of Prendergast to perform, as Administrator during a few weeks, what it might well be doubted whether any honourable man in the position of Governor would sanction. It devolved upon Mr. Prendergast, in 1880, to transmit to the Secretary of State a synopsis of the Acts of the past session. The Maori Prisoners' Act and the Maori Prisoners' Detention Act were lightly passed over as temporary, and "in sequel" of other Acts. The West Coast Settlement Act was described as empowering "the Governor to carry out certain recommendations made by the West Coast Commission, and providing "special powers during a temporary period for the maintenance of law and order in the said district whilst the above recommendations are being carried into effect." At the time when Mr. Bryce issued his order that "every other duty was to be made subordinate to apprehension of

<sup>1</sup> Speech of Mr. Bryce at Wanganui.

*Note.* The name of the Judge spoken of in p. 352, line 3, was Siaw.  
[Blue Book, 1882. C. 3382.]

culprits," Sir Arthur Gordon, the new Governor, arrived, and was met at Auckland by Hall and Whitaker.

A terrible murder of a lady travelling in New Zealand excited horror at the time, and it was surmised that it had been prompted by Te Whiti's people. The atrocities of Kereopa were remembered. The idea of complicity on Te Whiti's part was, however, soon abandoned.<sup>1</sup> About this period the cause of the Maoris received questionable support from a filthy writer whom the Northampton electors had sent to the House of Commons. He was, he said, moved by letters from New Zealand complaining of the detention of prisoners without trial. It was a pity that the writers did not appeal to a worthier champion. Lord Kimberley, Secretary of State (22nd October, 1880), asked Sir Arthur Gordon to "prepare a full report of the native disturbances of 1879 and 1880, and the measures taken by the Government of New Zealand in consequence of them," with a view to its being laid before Parliament, if necessary. Regard for public opinion seemed prudent on the part of the Ministry, and some of them perhaps wished to act rightly. Simultaneously with the explanations furnished to the Governor a new course was resolved upon with regard to Te Whiti. Mr. Rolleston (24th December) on behalf of the Premier supplied a brief narrative and enclosed various Acts and documents, amongst which was a memorandum from the Native Minister to "justify the detention" of the prisoners. Mr. Bryce said that he almost despaired of "conveying a sufficient idea of the case." Te Whiti's "pretensions to supernatural powers were enormous."<sup>2</sup> It was "probable that he occasionally, at least, believed in his own pretensions." His tribe had formerly "engaged in hostilities, but so far from Te Whiti joining in such acts himself he has always preached peace." But when the ploughing by the natives was commenced

<sup>1</sup> The murderer seemed to impute his crime to excessive drinking. While witnesses were being cross-examined so as to weave circumstantial evidence against him, he interrupted the process, and told the Court how he committed the murder. While under sentence of death he entreated the Governor to check the sale of ardent spirits. The gaoler wished to persuade him to sleep on the night before his execution. He answered: "I shall have plenty of time for that to-morrow."

<sup>2</sup> N. Z. P. P. 1881; G. 7. Mr. Bryce's memorandum is dated, 20th December, 1880.



as a "new mode of irritation" was "it not plain to every comprehension that the danger of bloodshed and warfare was extreme, notwithstanding the peaceable professions of Te Whiti and the wonderful forbearance of the settlers?" Mr. Bryce considered that to have tried the prisoners for "the comparatively trivial offences with which they were charged—forcible entry and malicious destruction of property—would have been ridiculous." The sentence must have been light, and, "if so rash an experiment as the release of the whole of these men were even now tried, those best acquainted with the Maori character and native affairs would be the least likely to under-estimate the danger thereby incurred." Nevertheless Mr. Bryce admitted that Te Whiti the preacher of peace had an "overwhelming influence over the minds of the Maoris attached to him." They feared "to meet what we should call the 'evil eye' of their chief." This "blight on the minds of the natives" Mr. Bryce desired to remove. "Much had been said about the rights of the British subject under Magna Charta and the writ of Habeas Corpus," but Mr. Bryce would disregard them. Sir Arthur Gordon (29th December) transmitted the explanations furnished to him, adding that he did not consider himself thereby relieved from the duty imposed on him of preparing a full report, which he would make as soon as he could procure the "requisite data, in some cases not . . . easy to obtain." On the 22nd December, Mr. Hall laid before the Governor a draft of a letter which the Ministry advised him to send to Te Whiti to open up negotiations with him, as recommended by Fox and Bell on the ground that the "West Coast question would never be settled without some arrangement with Te Whiti." Mr. Hall submitted Mr. Parris' report of his failure to obtain a hearing from Te Whiti in November. Parris heard Te Whiti address a crowd of about 1200 persons, mostly women. The speech was oracular, positive, but occasionally sad. All things were ordained at the beginning of the world. All events great or small, "whether for good or evil, all were ordained "which were to happen on earth. Also those evils which were to happen in our days—namely, wars and dissensions. These are all, however, now at an end. This also was ordained of old. . . . The wars of our time were prophesied. . . . We could not have altered anything, however

we might strive. . . . War shall cease and shall no longer divide the world. Adam's race has fallen over many cliffs, but the cliffs have disappeared by numerous landslips, and none shall fall over those cliffs again. It was ordained in the beginning that I should address you as I do to-day on this matter. . . . I shall say but little . . . to-day but this. There is still a cliff over which men will fall. It is not the man who tells you this, but the Father. All that has been hidden shall be brought to light. . . . The one cliff still left, which has not been levelled, is death. All that has been foretold has come to pass. Nothing has been omitted, nothing added, and nothing taken away. This is the day for you all to abide in peace; and remember that the nearer you are to death, the nearer also you will be to life. . . . One cliff is left as an enemy and a snare to us. All that I say will come to pass—not because I say it, but because it was ordained from the beginning. All the evils of old are gathered to infest this generation. We have seen the prophecies of old fulfilled, and we shall see those of the present days come to pass. War is for ever ended. It was prophesied that it should end. It has ended, and all old customs are done away. . . .” When Te Whiti had spoken, Parris rose, but Te Whiti said: “Speak not now; speak to-morrow.” Parris replied that none could answer for the morrow. Life was uncertain: to-morrow might never come. “Good,” answered Te Whiti, “speak on the day that never comes. If a dog flies at a pig it is at the bidding of his master; not of his own accord. What you have to say will not be real: it will not be your own word.” Parris turned to the Maoris and said that Te Whiti led them astray. “Your address” (retorted Te Whiti) “will be your superior's, not your own. Where is he? let him come.” “Are you so great,” replied Parris, “that my chief should visit you?” After a few more words, Te Whiti said to his people: “Me pākārū te hui” (“Let the meeting be broken up”), whereupon “they all rose as one man and left the meeting-place.”

Parris went to Te Whiti's abode, but could not draw him into an argument. He said a new Governor was expected, and the reply was: “Though he come it will be the same Government—you and others.” What Maori could trust the negotiator who was employed to rob Te Rangitake?

The letter which the Ministry advised the Governor to write was courteous. Sir Arthur Gordon would either receive Te Whiti at Wellington or see him on the west coast at some convenient place in the course of an intended journey. It was intrusted to Captain Knollys, C.M.G. (26th Cameronians), the aide-de-camp, whose observations are worthy of notice as coming from an impartial observer. Accompanied by an interpreter (who unfortunately was engineer for the road in course of construction through the Maori fields), and by Hone Pihama, who had once warred against General Cameron, but had for many years been friendly, he reached Parihaka on Christmas day. "Three or four miles from Parihaka we passed through some large and good fields of potatoes, maize, and tobacco. . . . These fields, I am informed, are in the land proposed to be put up for sale by the Government, but whether the particular spots now under cultivation are reserved to the natives I am not in a position to say. Beyond these fields, and at a distance of about a mile and a half from Parihaka, we crossed the road now in the course of being made, which is to be the boundary between the land marked out to be sold and that reserved for the Maoris. Here also were fine fields well cultivated and well fenced. In crossing the road we passed close to one of the barriers recently erected by the Maoris. The country being full of cattle, horses, and pigs, running at grass, all the fields are of necessity well fenced. If nothing were placed across the road each spot where the road passed through a field would leave a gap for the convenience of intruding animals. The Maoris accordingly continued the fences across the road, thus completing the enclosure. As this, however, impeded the road, it was naturally objected to by the Government; and many arrests took place, I believe, before the present compromise was come to, viz. that the fences on each side of the road should be joined by slip-rails, thus not blocking the road and effectually fencing the field. It seems to me that the erection of such fences is not only reasonable, but most necessary, as certainly little wheat or other grain would stand a chance in a country so thickly grazed without some such effectual fencing. These slip-rails now cross the road at intervals, and are not interfered with; indeed they are most carefully replaced by passers-by, European or Maori, after being removed to give



passage. At Pungarehu itself, however, at the entrance to the armed constabulary camp, where the greatest number of arrests and the most determined attempt to make a continuous fence took place, no slip-rails have been put up, and the gap into the Maori wheat-field is watched day and night by natives."

The reader will not fail to observe the art by which Messrs. Hall, Whitaker, Atkinson, and Bryce made the Maoris offenders under the West Coast Act. A man's field was invaded. He strove to protect his crops. He was declared an offender. He was seized with the hope that he would resist and be shot. He obeyed Te Whiti, submitted to arrest, disappointed Bryce, and astonished all who had known the resentful disposition of Maoris of old time. The absence of exasperation on their part exasperated their persecutor the more. It seemed that only personal violence done to Te Whiti could provoke his followers to an act which would warrant the laying waste of the settlement of the prophet who preached peace, and whose sober disciples cultivated land on which successive Governments had guaranteed that they should be undisturbed. Captain Knollys, after some delay, saw Te Whiti, who would not touch the Governor's letter, and Hone Pihama placed it by his side. A Maori opened and read it aloud. At the words, "discuss these matters," Te Whiti interjected: "The cooked potato cannot discuss,"<sup>1</sup> and prevented further reading. Captain Knollys told his engineer-interpreter that he was ready to converse if Te Whiti would do so, as desired by the Governor. "You must shut your eyes (replied Te Whiti) before you tell me what this man says. Do you come here to support this letter, and the evil works (the making of the road through Maori fields) which you have been doing?" Te Whiti declined discussion. To Hone Pihama he said: "Be not deceived. The Government are pushing forward towards strife." Captain Knollys saw Te Whiti again on the 28th December, and found him friendly, but unmoved as to visiting Wellington. If

<sup>1</sup> There was much discussion as to Te Whiti's meaning. One learned commentator interpreted the phrase thus: "The hard tawa fruit is fast ripening." Whatever the particular words might imply, Te Whiti's meaning might easily be gathered from his answer to Pihama. What would he gain by discussing with invaders the morality of his conduct? They brought evil to his door. Why talk about it? Similarly he had said to Mr. Graham in August: "It is too late."

(he said) the Governor wished to know the truth let him visit the spot where the mischief was done. "When a man's face was burnt, the doctor visited him." When asked to "show his burnt face to the doctor," he replied: "No. If a dog is chasing a pig, the pig does not cry out to the man. The man calls off the dog." Wisely or unwisely the preacher of peace could not separate the mission of Captain Knollys from the general persecution of his people. Perhaps the selection of an interpreter, who was an active agent in the work of torture, was designed to guard against Te Whiti's acceptance of the overtures made to him. In reporting his proceedings, Captain Knollys expressed his conviction that Te Whiti was resolutely peaceful—that vile spirits and beer were sold to Maoris in parts of the district—and that Te Whiti prohibited their introduction to his settlement. "If the chiefs struggle to suppress the evil among their people, cannot some assistance be given them in their good object?"

Idle words! The haters of the Maori were daily slandering Parihaka as an Alsatia which must be destroyed root and branch, and newspapers were scattering the slanders to the end of the world. A Taranaki journal sneered at Captain Knollys' mission. By such a "foolish act the Government destroyed their reputation for sagacity in native administration."

Some persons insinuated that Sir Arthur Gordon had intervened too much, and the Ministry published a narrative showing that his letter was written at their recommendation. Suddenly it was announced that Mr. Bryce had resigned. The wilier friends who aided him to pass the offence-creating clauses of the West Coast Act could hardly have suspected that, in his eagerness to use them, he would compel his colleagues to part from him. Wearied by the prophecies of Te Whiti and the patience of his followers, Bryce proposed to march forward to "wipe out" Parihaka, and seize Te Whiti and Tohu for recalcitrance against his edicts. The blow was to be struck when the Maoris were gathered at Te Whiti's monthly meeting in January. His colleagues shrunk from an act so contrary to the course recommended by the West Coast Commission, and sanctioned in Parliament. Even those who had previously supported Bryce questioned his wisdom. Had he resigned (the 'Taranaki Herald' said) when his colleagues advised the Governor to write to Te

Whiti, he would have been applauded, but to do so because he was not permitted to "take active measures against Te Whiti, was a mistake of the first magnitude." The same paper admitted that it would be "the height of absurdity to attack Te Whiti, who is actually doing no wrong in the eye of the law," and it was generally felt, if not said, that the fearlessness for which Mr. Bryce had been lauded was more allied to folly than courage. At Te Whiti's January meeting, he made no allusion to the Government, but descanted on the blessings which would flow from patience under suffering. There ought to be no more fighting. A moral war was being waged in which the superior numbers and force of the Pakeha would be worsted by the calm endurance of the persecuted Maoris. Meanwhile, it was rumoured that the latter were subdividing land between Mount Egmont and Parihaka, and allotting it, hapu by hapu, to the Ngatiruanui on the south, the Taranaki in the centre, and the Ngatiawa on the northern portion of the block. How the road-making was conducted on these lands, of which successive Governments had guaranteed secure possession to the Maoris, the report of Captain Knollys has enabled the reader to judge.

Mr. Bryce's resignation<sup>1</sup> continued to be the subject of much discussion in New Zealand for some time. He told his constituents in March that he had previously resigned (September, 1880) because his colleagues would not agree to his proposals with regard to Te Whiti; and he knew while he spoke that his colleagues were in possession of a formal memorandum furnished by him on the 20th December, 1880, in which he stated, "Te Whiti himself has always preached peace." At the same period Major Atkinson addressed his constituents, and superfluously informed them that "in almost all native matters Mr. Bryce and himself held identical opinions, but Mr. Bryce differed from the Cabinet as to the way in which they ought to immediately proceed in dealing with Te Whiti."<sup>2</sup>

<sup>1</sup> The Governor in a brief despatch informed the Secretary of State that Mr. Bryce having "been unable to induce his colleagues to share his views has consequently retired from the Cabinet." A newspaper commenting on the resignation was transmitted with the despatch. Mr. Bryce, unable to find fault with the despatch itself, grumbled in Parliament (17th June, 1881) at the enclosure.

<sup>2</sup> 'New Zealand Herald,' 22nd March, 1881.



It may be remembered that Sir F. D. Bell and Sir W. Fox, when they undertook the duty of Commissioners on the west coast, stipulated that the *status quo* should be maintained pending their inquiry, and that Sir Hercules Robinson was assured by the Ministry that the operations of the Government at Waimate would be confined to the repairing of old roads which could cause no offence. Mr. Bryce thus explained to his constituents the manner in which he kept faith: "I, acting of course for the Government, moved the constabulary across the river. I made roads, and I made them without the consent of the Maoris. I completed the telegraph lines which Te Whiti had resisted. I caused the lighthouse to be begun to which Te Whiti had refused his consent. I falsified all his predictions, and put the camp within two miles of Parihaka." . . . Every such act was a breach of faith with the Governor, and a calculated provocation to violence; but the patience of Te Whiti in each case foiled the provoker. Mr. Rolleston became Native Minister. Sir W. Fox entered upon his duties as sole Commissioner; dealing first with claims on the south of the Waingongoro river. Te Whiti, alluding to Bryce's resignation, said in February that if the Government should invade Parihaka, the Maoris would offer "no resistance; but, if such violence were perpetrated, the Government would be acting like cannibals in destroying their people." Sir Arthur Gordon furnished (26th February) Lord Kimberley with the full report asked for on the "native disturbances of 1879 and 1880," and if Lord Kimberley read it he must have seen that there was no disturbance at Parihaka except that which the Ministry created. When the Ministry perused the despatch they took exception to it; and, after a month's gestation, Mr. Hall produced a memorandum in reply. The Ministry were able to reason, after their kind, but were unable to shake materially any position in the Governor's despatch.

As it is possible that Mr. Hall might feel slighted, or might think his assertions unanswerable if no comment were made upon his lengthy paper, it may be well to show the value of his argument with regard to the root of the Parihaka troubles. The West Coast Commissioners (Fox and Bell) dwelt in their second report on the fact that Donald McLean formally, and not by

“accident or a mere slip of the pen,” approved a minute made by the Under-Secretary describing the confiscation of the country “north of the Waingongoro as far as Stoney river” as “having been abandoned by the Government so long as the Maoris behave themselves and keep the compact about not crossing Waingongoro.”

Parihaka was at the north of Waingongoro, and as far as Te Whiti was concerned, he having always been recognized as friendly, had suffered no loss of his rights in the eyes of the Government, and was therefore not dependent merely upon the toleration formally accorded by McLean to those who had been treated as rebels. The Commissioners quoted (Appendix A.) McLean’s written instructions (1872) to Parris, to the effect that the lands north of the Waingongoro, though “nominally confiscated, are, with the exception of 1400 acres at Opunake, quite unavailable for settlement until “arrangements are made with the natives for lands sufficient for their own requirements.” Parris was to buy, and the reader has seen that the Government through him and others did buy, land from natives whether they had been in arms or not. The Governor’s report to Lord Kimberley (26th February, 1881) had quoted the report of the Commissioners, who said : “We venture to ask your Excellency if McLean’s proceedings did not justify a belief on the part of all the Ngatiruanui people that the Government had really sanctioned and encouraged their peaceable return to the tribal land.” Sir A. Gordon said it was “generally understood, and indeed officially recorded by Sir Donald McLean, that the confiscation of lands between the Waingongoro and Stoney rivers had been abandoned,” but “still the confiscation was never formally removed, and the natives were informed by Major Brown, in 1876, that ‘the Government possessed a right to do what they pleased with the confiscated boundaries,’—an announcement which the terms of the proclamation of 1866 would hardly appear to justify.”

Mr. Hall’s memorandum declared that McLean’s approval of the Under-Secretary’s minute “only applied to certain action recommended in the memorandum, and not to the opinion as to the confiscated lands expressed in it.” Mr. Hall showed truly that McLean opposed a motion to declare formally that the

confiscated lands should be restored, but Mr. Hall did not and could not show that McLean's instructions did not extend to the land between the Stoney river and Waingongoro. Neither could Mr. Hall deny that McLean, throughout his subsequent career, recognized the title of the Maoris by purchasing lands from them throughout the territory in question. Ministers could not contradict the statement of the West Coast Commissioners that "it would be hard for any impartial observer to deny that the whole course of events during the year 1872, the debates in Parliament, and the declarations of the leaders of both parties, united to justify the natives, who had returned to the country north of the Waingongoro, in believing that they would not again be dispossessed." The Hall Ministry had indeed appointed Fox and Bell to give effect to their report, and could not after two years repudiate it. But they strove to cloud the subject by reference to details, with which the Secretary of State might be supposed to be unfamiliar. They had forgotten facts while prying for excuses. McLean had sent his plans to England through Sir G. Bowen soon after forming them. "Arrangements (he said) have been made with a view to a more accurate definition of native rights within the confiscated territory, and for the acquisition by purchase with the goodwill of the natives of such portions of land as they hold within it, but do not require for their own use, and which appear desirable for European settlements." Lord Kimberley (17th May, 1872) had much pleasure in conveying to Sir G. Bowen "the congratulations of Her Majesty's Government upon the success which has attended your endeavours and those of your Ministers to improve the relations between the Maoris and the settlers."<sup>1</sup> One Governor had transmitted to Lord Kimberley a formal statement that land was only to be acquired by purchase *with the goodwill of the natives*, and Mr. Hall asked another to forward to the same nobleman a laborious denial of the compact made by McLean and lauded by the Earl of Kimberley. Mr. Hall's memorandum deserves no further comment.

<sup>1</sup> The Despatches are in the New Zealand Blue-books of 1872. To preclude misunderstanding it may be mentioned that though Parihaka was not within the Ngatiruanui tribal territory, it was in the district "north of the Waingongoro as far as Stoney river," and that McLean's "arrangements" applied to it.



Apprehensive lest public opinion should be directed to their doings, the Ministry entreated the Governor (12th July) to telegraph to the Secretary of State to prevent the publication of the despatch. They hoped that "any intended publication will be so made known to them that their opinion as to such publication may reach and be considered by the Imperial Government." Lord Kimberley undertook to obey, "if possible; but as the papers had been promised, they must be published if pressed for."<sup>1</sup> It does not appear to have occurred to Lord Kimberley or to Mr. Hall that the people of England were entitled to know in what manner the representative of Her Majesty had complied with the demand for an official report.

In March, the colonists became aware of the inquiries instituted by Lord Kimberley as to the treatment of the Maori prisoners, and there were mutterings in the press against any attempts on the part of the Imperial Government to "protect the natives from fancied wrongs." An Auckland newspaper declared that the time would soon come when Tawhiao would be summarily dealt with, and the colonists would "refuse to tolerate the offensive attitude of Te Whiti," and would offer "strenuous resistance" to interference by the "Home Government." The 'Lyttelton Times,' however, with its customary courage, denounced those, who under false pleas were really striving to exterminate the Maori race. In April,

<sup>1</sup> N. Z. P. P. 1882; A. 8. Whether Lord Kimberley was an accomplice or only a slave to the New Zealand plotters, his friends may guess. He kept back the despatch till Te Whiti had been robbed, imprisoned, denied trial, and subjected to a Bill of Attainder in 1882. It was then laid before the New Zealand Assembly, copies were sent to England, and Lord Kimberley allowed it to go before Parliament. It is significant that the telegram quoted above from the New Zealand papers was excluded from those laid before the English Parliament. It is perhaps worthy of notice, also, that the English Blue-book [C. 3382], though marked as presented by command "August, 1882," was not really issued to the members or the public until 2nd November, 1882. In fact, when asked by Sir M. Hicks-Beach for the papers in July, 1882, the Ministry replied that they awaited papers to "complete the history of the transactions, and especially the Bill for disposing of the trial of the chief Te Whiti." Whether because they feared that the Bill, if produced, would shock the House, or from some tortuous habit, the Ministry did not include the Bill in the Blue-book, although copies of it had been in England nearly three months. When men walk crookedly they leave a notable track behind them.

Te Whiti was reported to have spoken mournfully about the darkness of the times, but still he preached patience. In May, he urged submission. "The Almighty, not ourselves, decreed all that should happen to us." To the released prisoners who had returned to Parihaka, he said that "only by peaceable means could God be reached. My heart is glad to welcome you. Though you be halt or blind, or sucking-babes, you have conquered. You were not imprisoned for heinous crime, or theft, but for upholding the words of Te Whiti. In such a case prison-houses lose their disgrace, and become houses of joy." . . . Tohu, with the figurative audacity which reminded Donald McLean of the ravings of Macpherson's Ossian, announced that henceforth the words of Te Whiti and himself were to be the words of God: "Formerly our Saviour taught, now Te Whiti teaches. Our Saviour told us formerly what was right. . . . I say the works of Satan will not succeed. What has been said to-day is in accordance with Christ's sayings." . . . Those who wished to waste Parihaka were cut to the heart to think that with such mad guides as Te Whiti and Tohu it had been found impossible to provoke their disciples to acts of offence or resistance. In almost every case there were disputes as to the true meaning of the speeches made. In what one critic called peaceful another scented danger.

On the 9th June the Houses met. The Governor told them that effect was being given to the recommendations of the West Coast Commission; that almost all the prisoners had been released, and that his advisers did not apprehend that it would be "necessary again to have recourse to extraordinary measures for the preservation of peace and good order." Mr. E. Wakefield deplored "the blot upon the administration" which was caused by the long detention of the Maori prisoners. The very "Act which empowered their detention showed that their cause was a just one." Bills were passed which dealt with Native Succession, and Native Lands Frauds, but one envenomed weapon pointed at the Maoris, by the subtle Attorney-General, was turned aside because it became on general grounds a question of confidence in the Ministry. Major Atkinson moved the second reading of a Crown and Native Lands Rating Bill on the 12th July. It

is sufficient in this place to allude to the proposals with respect to native lands, which were defined as those "held under their own customs and usages, or otherwise howsoever." Native borough lands were to be rated under an existing Act of 1876. Native town lands were assessed under the Bill at £30 an acre, native agricultural lands at £1, and native pastoral lands at 6s. 8d. an acre. The rateable value was to be computed at the rate of 6 per cent. on the amounts fixed. The Governor in Council was to exercise certain powers by proclamation, and (to avoid immediate levy upon Tawhiao and others) it was provided that the local bodies should make rates, send certificates to the Treasurer, and that the Treasurer should "out of moneys to be appropriated for the purpose" pay to the local body the amount of the rates on Crown or native lands. Thus a cumulative debt was to be created; and whenever such native land might be "sold or exchanged for the first time, and whenever it is leased, after the passing of this Act, to other than aboriginal natives, then the amount of all rates paid by the Colonial Treasurer shall be repaid to (him), and shall be deemed to be a duty payable on such sale, exchange, or lease, and shall be payable as such." It did not suit Major Atkinson's purpose to expatiate on the probable result of such a clause, or to show how the possessions of a Maori would be crushed by a debt which would render a sale of his property fruitless to himself. But some members beside the Maoris remarked upon the fact. Sutton, of Heretaunga notoriety, coarsely regretted that the Bill did not go far enough. He desired to know what steps the Government "intended to take for the purpose of recovering, or allowing local bodies to recover, rates from native lands which are never likely to pass into the hands of Europeans." He knew of a most valuable piece of land near Napier which paid no rates, and would "under this Bill only have to pay 36s. a year, simply because it belongs to a native. And even that will be paid by the Government." Mr. Saunders (from Marlborough) agreed with the proposal to rate native lands in settled districts, but it was unjust "practically to confiscate them—to take a certain portion of those lands away from them year by year, and to expend the proceeds without their consent." Mr. Ormond averred that the proposed rate in remote



districts, would "in a short time amount to more than the fee-simple." Colonel Trimble, true to the rapacity of Taranaki whence he came, declared that "the native race were particularly favoured" in the Bill, which was "remarkably moderate towards them, and is satisfactory to us who are the principal sufferers from its moderation." Te Wheoro was the first of the Maoris who spoke. The Bill was the monster which he had anticipated from the Ministry. It gave control to the Native Minister over the heritage of the Maoris. Payment of rates by the Government merely meant "a system of mortgage to be exercised over native lands." How could remote mountainous country sustain the proposed rate? "If these lands were offered for sale to the Government, would they give the price equal to the value at which they were rated—6s. 8d. an acre? No, they would not. Only now do I learn that the Government give such a high price for land." The rating would interfere with commercial relations between Maori and Pakeha. "The lands will lie idle while, as time goes on, the rates will increase, giving the Government a greater hold upon them, and it will ultimately end in the confiscation of the native lands. Last year the natives went so far as to ask whether all this borrowed money was to be a charge upon native lands. The Government replied, 'No, the Crown lands will pay it back.' Yet the apprehension then entertained by the Maoris, that their lands were to be a security for paying back this borrowed money is coming true. What benefits have the native districts ever received from this borrowed money? All the rates that are collected, all the taxes, go to make improvements in European districts—to make European roads and build European bridges. No part has ever been expended in the native districts. (Captain Trimble had said that) roads were made through native lands. That may be true enough in his part of the country, but the House is perfectly aware why roads were made throughout the lands at Taranaki. There was a sum specially voted for the purpose. Roads were made through native districts at Taranaki to grasp the native land. . . . Did they benefit the natives?" . . . Three great wrongs there were : unjust confiscation ; the Native Land Court which warred against the "mana" of the chiefs ; and the attempts by such a Bill as the one before the House to

confiscate the remainder of the Maori lands. "The Maoris will not be able to sell their land with all these rates upon it, which will accumulate until ultimately the land will be taken to pay for the rates imposed upon it. Who knows then whether the Government may not bring in another Bill to take all the Maoris prisoners, to arrest them on their own properties for unpaid rates? Why do you not at once call the Bill the Mortgage and Confiscation of Native Lands Bill? This Bill is altogether opposed to the provisions of the treaty of Waitangi." That treaty made the Queen the guardian of Maori rights. But the very people who ought to be the protectors were those who became the persecutors of the Maoris. The Maoris wanted the same "power as Europeans in local bodies, such as Road Boards, County Councils, and other bodies for the working of their own affairs. . . . But the House has been too selfish altogether with regard to the Maoris. It has never given what they have justly asked for, and therefore the Maoris look with a certain amount of aversion upon anything proposed in or emanating from this House. I know what influences many members. They think these powers should not be conferred on Maoris, lest they should decline to sell their lands. But that is not a just feeling to entertain. It is not what would be expected from an English race—from the people of England—who have a world-wide fame for being gentlemanly, just, and straightforward. But perhaps all these good qualities,—perhaps this uprightness, is left behind in England. It reaches not to Maori land. It is not brought here by those who come from England. . . . I object to the Bill altogether. The idea of taxing Crown lands as well as native lands is a mere farce. It is simply to give the Maoris the idea that the Government like themselves pay taxes for their lands. The only lands that will suffer will be the lands of the Maori. They will be swallowed up by this monster of a Bill. I appeal to those European members who befriended the native members last session to extend a like friendship now and help to destroy this monster. I look to friends who joined with me when the West Coast Bill, affecting the prisoners, was brought down. Let us join together in looking to one place for justice—in looking back to England." Tawhai followed in the same strain. "I know the Treasurer (Atkinson) has already

tasted how sweet is the Maori land which has been confiscated at Taranaki, and he longs to swallow another morsel. His conduct reminds me of that of Ahab, when he coveted Naboth's vineyard. I will on behalf of the Maori return the same answer that Naboth made to Ahab. He said, 'I will not agree to give up the inheritance of my forefathers.' Neither will I agree to see the land of my forefathers, our own native lands, given up to be devoured by this Bill. . . . I should like to see a rope tied round its neck with a large millstone, and to cast it into the sea not less than 1000 miles from New Zealand. Thus I hope it would be precluded from returning to meddle with native lands in future. Let the Bill, if it attempt to swim at all, swim to England to Her Majesty the Queen." Taiaroa vigorously opposed the Bill. It became a crucial test of the position of the Government on financial and municipal grounds, and was abandoned after the second reading. It is fair to say that some European members who supported the Bill, generally, admitted its injustice as regarded native lands. Captain Russell said: "I do not agree with it on the subject of rating native lands, and as my objections are not altogether Committee objections, I will refer to them now. I do not think it is wise that we should rate all native land. . . . The correct principle is that property benefited by the rate should be rated."

It was during the debates on the Bill that an event occurred which created surprise both amongst the friends and opponents of the Government. It seemed to give them strength, but it arose in no manner from the conduct of the Ministry. Tawhiao visited the European settlements in Waikato, and in token of friendship laid down about 80 guns before Major Mair, the resident officer in the district. To Major Mair, whom Mr. Sheehan had slighted, was due the token of reconciliation which Ministry after Ministry had laboured so long and vainly to obtain. He was one of those whom Mr. Sheehan had not employed or courted during Sir G. Grey's administration, and to the discouragement offered by Major Mair, Mr. C. O. Davis, and a few others, it was chiefly ascribed that Sir G. Grey's overtures were ignominiously rejected by Tawhiao and his advisers in 1879. All men professed anxiety for reconciliation, but partisans schemed unceasingly to prevent it, except in connection with themselves. With the aged Manuhiri



(formerly as Tamati Ngapora hunted from his abode at Mangere by Sir G. Grey), Wahanui, and from five to six hundred followers, Tawhiao met Mair at Alexandra, divided by the Waipa river from the mountain mass of Pirongia, and close to Matakītaki, where the fire-arms of Hongi laid low the flower of Waikato when the father of Tawhiao was young. Desiring Mair to stand back, Tawhiao laid his own gun in the street, while at his gesture 80 of his people followed his example. "Do you know what this means?" he said to Mair. "It is the fruit of what I told you,—that there should be no more trouble. It means peace." The telegraph flashed information to all parts of New Zealand.

The title of king, which Governor Browne and his advisers had strenuously resented, was accorded to Tawhiao throughout his journey by the reporters. The course chosen was such as to indicate to Maoris that all thought of hostility was abandoned. It ran through the territory where once was only the war-path. It skirted the lines of Te Rore and Paterangi. At Awamutu, whence Mr. Gorst was expelled before the war of 1863, the Queen's health having been drunk, that of "the King Tawhiao and the Royal Family" was proposed, and he informed the company that he would "not consent to any deceitful work, neither was there anything hidden." Wahanui, so hostile to Sir G. Grey in 1879, responded at Awamutu to the toast of "The Unity of the two Races," and greeted "the good day shining upon us. I knew not that I should live to see it. I knew that it was ordained that it should come, for it was predicted; even as it is said, 'The Lord will come as a thief in the night.' I congratulate you all. I greet each one of you." The symbolic word which the Maoris adopted for their journey was Tarahou—or the fresh gleaming of day, and Wahanui was said to have selected it. The consternation of partisans of Sir G. Grey and Mr. Sheehan was equal to the pleasure of the friends of the Ministry. Some thought that the Grey Government had trafficked through wrong channels, or that the memory of bad faith shown to Rauparaha, and of the invasion of Waikato, was ineradicable. But in company with Major Mair was a noisy officer of the local forces, who had shared in the attacks on the peaceful, and was present at Rangiaohia when women were

burned in their whārēs. Major Mair, whom the Grey Government had not been sagacious enough to employ, had done more for a Ministry of which the unscrupulous Whitaker and Atkinson were members, than Donald McLean or any of his successors had done as Ministers. How far Tawhiao would admit the Pakeha within his own territory might be doubtful; but his friendliness in visiting the confiscated lands in Waikato for the first time was of marked significance. The progress was continued through Kihikihi (where a village occupied the site of Rewi's desolated home) past Orakau and Rangiaohia. The armed visitors there kept up the Maori custom of firing in remembrance of their slain friends. But there was no ill-will. Rewi, almost an octogenarian, was with the king, for whom he had fought at Orakau; and at Cambridge, Tawhiao, Rewi, and the chiefs joined in the Maori dance of rejoicing. A banquet ensued, at which the principal settlers were present. Major Mair thought the event "one of the most important in New Zealand history." The townspeople celebrated it with fireworks. One Maori usage may be mentioned. Before receiving an address in the public street at Cambridge, the whole of Tawhiao's party were halted for prayer. The same practice was adhered to elsewhere. Though Tawhiao spoke as if the journey was originated by himself, it was believed that his witenagemote had prompted it. God had permitted him to act, yet his visit was voluntary. "It is my own doing. Heaven which is above, and the earth below, you who surround me, are my witnesses. . . . Let our words be plain-spoken. Keep back none of your thoughts. Turn not aside, but look me straight in the face." At the banquet which followed, Rewi returned thanks for the absent Tawhiao, and assured the hosts that though Tawhiao "kept his own counsels he would recollect their kindness." His pilgrimage had been such as to excite strange memories. He was about to approach the spot where peace might have been made after the capture of Rangiriri, but for the protervity of Whitaker and Fox, and the equivocal conduct of Sir George Grey, who had striven to persuade the Secretary of State that there was no danger of iniquitous practices against the Maoris by his advisers. At Ngāruawāhia, where the first Maori king set up his ephemeral throne, and where he was buried, many

Maoris assembled to welcome the large armed party of the son of Te Whero Whero. At the tomb of his father, Tawhiao halted with his followers, while the Maori 'tangi' held sway and profuse tears came bidden. Prayers followed, and then speeches and feasting. The Europeans hoped that Tawhiao would visit Auckland, but he paused at Mercer, a town which stood where the limit of European Government had been fixed by the tribes, and thrust aside by Sir George Grey in 1863. It was observed that Tawhiao seemed much affected there; and recollections of the trampled boundary might touch his feelings, even though the sight of Rangiriri, Meremere, and Koheroa had not awakened bitter memories of the past. An eye-witness remarked the sobriety and orderly demeanour of Tawhiao's people, and was surprised at their reverent behaviour during their religious service at Mercer. Mr. Firth and others opened a subscription list to defray the expense of a visit to Auckland by Tawhiao and a limited number of his chiefs; but Tawhiao diplomatically announced that he "could not see his way to accept the invitation" of the residents. Returning to Alexandra, Tawhiao was pressed to take back his guns, but declined to do more than accept that of Major Mair in exchange for his own. Mr. J. C. Firth publicly commented upon the extraordinary event thus brought about by Major Mair's instrumentality under the "influence of the unseen and most High Ruler, who doeth according to His will in the army of heaven and among the inhabitants of the earth." With some sadness he recalled the fact that Te Waharoa the king-maker was spurned at Auckland when he sought the Governor's concurrence with regulations for the good of the tribes, and that it was only when thus thwarted by the Governor's advisers that Waharoa caused the election of a king. The significance of Tawhiao's visit was dwelt upon in the Auckland press as an acknowledgment for the first time by the tribes of the confiscation of their land. On all former occasions the burden of the song to McLean and others had been—"Let Waikato be restored." Now the king himself had perambulated the territory wrested from him when wet with the blood of his people. It was true that he had not come as a suppliant. His four or five hundred armed men had even terrified some anxious settlers; but his demeanour was friendly throughout.



He had made no terms, and asked for no favours. In bidding farewell to Major Mair he said : " That which is uttered by the mouth returns not to it. The word goes straight forward. It is in earnest. My word is true." He furnished one more instance of the Maori Rangatira, credulous in the good faith of an officer of the Queen.

The Ministry, satisfied with the effect which would be produced upon the public mind, did not boast of their success in entering upon amicable relations with Tawhiao. There was little discussion respecting Maori affairs after the Crown and Native Land Rating Bill lapsed. Mr. Rolleston succeeded in passing a Thermal Springs Districts Bill to give effect to an arrangement entered into with the Arawa tribe, the owners of the marvellous terraces in the district of Rotorua. It had long been desired to obtain what Mr. Rolleston called a " foothold in this native district," in order to " throw open to the world at large what was the greatest specialty in New Zealand." The Arawa were, with reason, jealous of the ownership. There were colonists who wished to build hideous houses by the margin of Rotomahana, which tempted travellers from afar. At Rotorua itself, where hot springs of various medicinal qualities abounded, there had long been some accommodation for sojourners, but the Maoris had not accorded freeholds. Mr. Fenton, Chief Judge of the Native Land Court, under agreement with them, made an order setting apart the district as a great recreation-ground, and induced them to consent to an enactment under which land at Rotorua would be placed in the hands of the Government in order that leases for 99 years might be granted. Mr. Rolleston thought that besides making " Rotorua the sanatorium of the world," the Act would be useful in showing the Maoris how " the valuable properties they held might be turned to the best account." It would not have accorded with the grasping character of legislation to which Whitaker was prone, if the Bill had not comprised more than the objects ascribed to it. Te Wheoro, Tawhai, and Tomoana, approving of its scope so far as the Arawa tribe had asked for it, desired that it should be limited to the Arawa district, and by 36 votes against 18, Mr. Rolleston accordingly carried an amendment limiting the Act to the counties of Tauranga and East Taupo. The chiefs urged that the agreement

with the Arawa tribe should be produced, and Mr. Rolleston promised that if it had not been "translated into Maori it would be," and "circulated among the native members."

A Representation Bill incidentally attracted attention to the Maori people. It could not be denied that the Maori population of the North Island entitled it to larger representation than was left to it by Mr. Hall's Bill, which increased the number of the House on the principle of single and equal electoral districts as regarded the Europeans, but left the Maori members as before, although by the principle of the Bill they were entitled to a large addition. In the struggle for representation of the North and Middle Islands, it suited some European members to claim that the Maori population should be estimated in calculating the number of members due to each island. Thus the settlers, like the quondam slave-owners of the United States, would derive importance from the number of a race on whom the Bill was to confer no privilege. There were other members who, like Captain Russell of Napier, thought that the Maoris should be admitted to the general franchise, and that it would be wise for them to abandon their special representation. By computing the Maori people, Captain Russell found that the North Island would gain nine members, and he professed a wish to frame the districts in such a manner as to give influence to Maori votes. He struck an unusual chord by remarking that there were, in 1881, "44,099 natives in the North Island, being a large increase on the census of 1878." Either their numbers had largely increased, or their former numbers had been underrated. There were extra-cameral negotiations on the subject. The Maori members were urged to abandon their existing rights. They replied: "If we can get an assurance from the Government that we shall have a right to vote at the election of European members for the North Island, then we will give up the special representation." "But" (Mr. Sheehan informed the House) "when we met the Premier, and he heard the views of the Maori members, he said he would not be able to give effect to those views. He was then asked—If the Maoris agree to abolish their special representation, will you then be prepared to support a proposal to give the North Island representation in proportion to population, European and native combined?—He

said he was not prepared to do that." Mr. Sheehan's unchallenged words showed the object with which the European members sought to abrogate the special Maori representation, and justified the apprehensions which deterred the Maori members from consenting to abandon it. Taiaroa declared that the existing law, coupled with the restriction of votes to property held in severalty, was humiliating to his people. "Take the case of a native who is possessed of a Crown grant. That is, a grant to himself. But suppose he has six adult children. He is entitled to a vote because he has a grant in his own name; but his children who are of age are not entitled to a vote even under the residential qualification. Now, a European who comes to the colony and remains six months in it immediately becomes entitled to a vote, and yet you deny that vote to these natives who are born in the country and live all their lives in it. I can only characterize that as a very unfair proceeding on the part of this House which passed such an Act." Subsequently he called the Bill incompatible with the treaty of Waitangi, which "clearly laid down that the natives should enjoy the same rights and privileges as those enjoyed by other subjects of Her Majesty." Before a just or logical tribunal Taiaroa might have gained his cause, but in the Representative House of New Zealand he was disregarded. Mr. Swanson in the course of the debate denounced the ignorance of Maori affairs displayed by members from the Middle Island. They in 1860 supported the robbery of Te Rangitake—"one of the most unjust things ever done. . . . Why the very 'Gazettes' were falsified. . . . A great majority of the Representatives from Auckland were for peace . . . but they were hounded down as traitors . . . and I say it is unjust and untrue to say that the Northern people got up that war. . . . I appeal to every member of the Public Petitions Committee if we had not a case before us this week in which a man was given a bribe to rob and swindle the Maoris, and we actually recommended that it should be paid. . . . And the Maoris are not taxed forsooth! . . . I am ashamed at the grasping desire shown to get possession of the land which still belongs to the natives. Talk about equal rights! The Maoris are taxed enough, fleeced enough, and robbed enough!"

Mr. Swanson quoted cases to prove his statements, and Mr.



Hall in reply admitted that there was "no man better entitled to speak upon the Maori representation question than his honourable friend" Mr. Swanson. If Mr. Hall saw the better course, he nevertheless followed the worse.

Mr. Mantell exposed in the Upper House the manner in which claims for justice were slighted. When the Rangitikei-Manawatu block was purchased it was found that natives were receiving rents from persons illegally occupying certain lands. The Commissioner for the Crown, Dr. Featherston, impounded the rents, and guaranteed that when "the purchase was complete the rents would be repaid to the natives together with 10 per cent. interest." When the Native Land Court gave judgment in the Rangitikei-Manawatu case, the owners of a block called Himatangi proved that they had not been parties to the sale, and that Himatangi was not included in it. Though (said Mr. Mantell) the block was held "to be ceded to the Crown under the decision of the Court, the Government were not prepared to take so unjust a course as to keep their land from them on that account, and therefore, in 1877, a (Himatangi Crown Grants) Bill was introduced enabling the Government to grant to those natives 11,000 acres of which they had been deprived. The Bill was passed." It had contained a provision to sweep away claims for the rents, &c., and a sum of £500 paid to the province of Wellington, but the Council "becoming aware that these rents were impounded before the purchase of the Manawatu block, that the land never had been purchased by the Crown at all, that the rents had been impounded by the representative of the Government, under a guarantee that they should be paid over to the natives" . . . —struck out the repudiating portion of the clause. That the Government were conscious of liability was proved by their framing a clause to sweep it away. "That was only four years ago, but in the interval they had apparently taken a different view of the matter, and the natives had not yet been paid." Mr. Mantell moved for the papers, and the Attorney-General (15th August, 1881) did not oppose him. They disclosed the fact that Dr. Featherston distributed the impounded rents (with the exception of about £60) to the wrong persons, and that no money was paid to the owners of the Himatangi block. Mr. Mantell asked the Council to express its opinion that pay-

ment "to the recognized owners should no longer be delayed." The Attorney-General replied in the fashion which might have been foreboded by those who knew him. "Mr. Mantell had stated the facts of the case pretty well as they occurred . . . but it was a tribal business entirely. The tribe was paid. The principal owner was paid, and the money (minus £60) was divided among the Maoris. Whether the people who were subsequently found by the Native Land Court to be owners of the Himatangi block had received their share (Whitaker) did not know. . . . It turned out afterwards when the claim was heard in the Native Land Court that some names were not put in. He had forgotten what that date was; at any rate it was comparatively very recently. But the Council need not go beyond the Crown grant. It was a matter of arrangement among the natives, and if these transactions were to be brought up . . . and such claims were allowed, there would be no end to the process . . . and a number of claims would be raised, unjust in themselves, but irresistible if a claim such as this were once admitted. . . . If such matters were to be rooted out and brought up again under circumstances such as these they could have no finality to transactions between Government and natives. . . . There was £60 due, and he declared absolutely on behalf of the Government that not one single sixpence beyond that £60 should be paid unless a much better case could be shown than had been made out by the Honourable Mr. Mantell. Unquestionably money had been due; it had been paid with the exception of £60 to the principal chiefs, . . . and he held that Government would do wrong if they paid the money over again." Thus, if a Maori like Teira could be cajoled into a transaction like that at the Waitara, payment to him would, according to Mr. Whitaker, deprive the real owner of any claim. Mr. Mantell replied that: "There was not that confusion which the Attorney-General would represent." The three hapus found to be entitled "were quite distinct, and there were no tribal questions connected" with the matter. Whitaker had complained that there would be no finality if such claims were allowed. "Well, I intend that there shall be none. I am determined while I have a seat in this Council that there shall be no finality so long as this dishonest action on the part of the

Government continues. . . . If a lawyer should act with his client's money as the Government have acted with the money they collected on behalf of these natives, the chances are that he would cease to be a lawyer." On an interjection by Whitaker—that the Government would pay all that was due—Mr. Mantell retorted that that was all that was asked. He rejoiced in "the assurance that the Government would pay its debts, and would ask the Council to affirm the resolution, leaving it to the Government to deal justly with the claimants." The Council passed the resolution without a division.

Whitaker, however, succeeded in piloting a significant (West Coast Settlements Reserve) Bill through the Upper House, and adroitly procured the adoption of amendments made in the Lower, in haste, and almost on the last day of the session. He did not introduce it until the 12th September. The second reading was not moved until the 14th, and in spite of the opposition of Mr. Reynolds it was carried; and the third reading was similarly but vainly resisted on the 16th. In the Lower House Mr. Rolleston's demeanour was sufficient to excite distrust. Being asked if the Bill had been translated for the Maori members, he evaded precision by replying that he "presumed it had been translated" in the Council. On the 19th (Sir Arthur Gordon having departed to Fiji), on the committal of the Bill the state of affairs at Parihaka was spoken of as critical. Sir W. Fox said there had been a difference of opinion between himself and the law officers as to the quality of grants. He had recommended that there should be non-alienation clauses so as to protect the natives, who were to have no power of disposal except by lease or in way of exchange, the approval of the Governor in Council being requisite in either case. Messrs. Brown and Ballance took part in the debate. Mr. Sheehan disliked a clause which empowered the Governor from time to time to appoint and remove the trustee (created by the Bill) to manage the reserves. He was to be "resident in the Confiscated territory." Mr. Sheehan thought that the appointment should be subject to the Disqualification Act. He saw no risk of any disturbance on the west coast unless some blunder were made by the Government. Tomoana remonstrated against the passing of such a Bill so late in the session. Mr. Moss brought



upon himself the wrath of Fox and Rolleston for insinuating (as they said) that Mr. Parris was in league with Hone Pihama. Taiaroa declared that all the troubles on the west coast sprung from the "unfulfilled promises and the confiscation of land." Let the House make no more promises. "If you wish to give, give at once; or if you make promises, put them in writing so that there may be no mistake about them afterwards." If "you give the trustee absolute power over these lands we know how he will deal with them. . . . If the Government has at heart the settlement of the west coast, and also the welfare of the Maoris, I will assist them as far I can in Committee to amend the Bill." . . . Te Wheoro explained why he distrusted the Bill, and in Committee moved that there should be two trustees. Fourteen voted for his proposal, but 22 defeated it. Among the majority were Hall, Atkinson, Fox, Rolleston, Swanson, Ballance, and Trimble. Mr. De Lautour, who had supported Te Wheoro, moved (on a clause as to confirmation of leases) that the "consent of the natives entitled" should be requisite, but he was defeated by 20 votes against 8; Hall and his friends were again victorious. The Bill was promptly read a third time, but not without alteration. The Representatives converted the resident trustee into the public trustee appointed under the Public Trustee Act of 1872. That officer resided at Wellington. Mr. Waterhouse in the Council "very much doubted" whether the particular reserves in question should be vested in the public trustee, but Mr. Whitaker evaded discussion, and the amendments of the Lower House were accepted. How true a prophet Taiaroa had been was shown when it was arranged that the Waimate Plains reserve of 25,000 acres should, with the exception of a few patches, be leased without allowing the Maoris any voice as to what they wished to lease or to retain. Conformably to precedents in New Zealand, it was decided that the land should be leased at once, "as otherwise the natives might occupy the most valuable parts of the block, and would have necessarily to be removed (from their own reserved land) when it was wanted for settlement." Yet Mr. Hall always contended that the Maoris were treated with the utmost fairness and benevolence. Before the close of the session he hastily obtained a vote for £100,000 to enable him to display at Parihaka the worth of his contention.

So much is in the power of a Government, in wresting Parliamentary forms to their use in regard to Orders of the day, that in the closing hours of a session an adroit or sinister purpose can speedily be accomplished. As to this vote, Tawhai said in the following session : " It is stated that that sum was voted by this House ; I therefore presume that I have a right to refer to it. But I think that a great many of the members were not aware that that sum was being voted. It was brought up suddenly before the House, after most of the members had gone on board the steamers to depart for their homes at the end of the session. Perhaps it was voted in that way for fear the Maori members would oppose it. It was therefore brought forward after we had gone because the Government must have been aware that this money was voted for the destruction of the natives, who are of the same race as the Maori members of this House." The Ministry are entitled to the credit or discredit of their reply, through Mr. Dick, that Tawhai was mistaken, and that the vote was sanctioned after " calm and quiet consideration."

A few words may be said with regard to the session generally. Mr. Ormond's opposition (on the Crown and Native Lands Rating Bill) to the financial schemes of the Government was at one time deemed so formidable that it was confidently rumoured that his amendment would be carried, although the Ministry made it a question of confidence. They had ministerial offices at their disposal, however, and angled adroitly for votes. The bitter antagonism of former days between Mr. Ormond and Sir George Grey was an obstacle to concerted action on the part of the Opposition. Ormond was taunted for his defection from the Government ranks, but retorted that he had during the recess made known his views publicly to his constituents. The debate endured for a fortnight. The consciences of some who objected to the Bill were soothed by the assurance that if the Government were permitted to carry the second reading they would not persevere with the measure, and by 41 votes against 37 Mr. Ormond was defeated on the 28th July. The Maori members in the minority added to the malevolence with which they were eyed by a section of the Ministry, who feeling their weakness in the existing House sought means to strengthen themselves in a new one. By carrying the Bill for Triennial Parliaments, Mr.

Hall had ensured a general election at the close of the session of 1881. He had found the North Island members hostile in the main, and determined to reduce their relative power by a Representation Bill of which he moved the second reading on the 12th August. Personally he was in favour of Mr. Hare's system of election, which would make the House the fair reflex of public opinion. He trusted he might live to see it adopted, but the colonists did "not appreciate or even understand" it. He proposed a system utterly antagonistic to it. He had formerly stated that "population should not be the only consideration" in apportioning members. He had in June, 1880, proposed to give "reasonable facility for minorities to be represented" by a provision that "in all cases in which three members were to be elected by one constituency no elector should give more than two votes." His new Bill contemplated single electorates based upon population, but he excluded the 44,000 Maoris in the North Island from his computations. He discarded in like manner the Chinese in the Middle Island. The total number of the Chinese in the colony was about 4600, and a Bill had been passed in the early part of the session to impose a poll-tax of £10 per head on Chinese immigrants. The population of each electorate was to be about 5400. By a careful arrangement of 91 electorates Mr. Hall found that the provincial district of Auckland ought to have 19 members; Taranaki 3; Wellington 11; Hawke's Bay, 3. One additional member was thus given to the Auckland, and one to the Wellington district. The number of members for the Middle Island was to be increased from 50 to 55; but the increase was wholly for the gain of Mr. Hall's district, Canterbury; and for Otago. Canterbury was raised from 21 to 24 members. Otago was raised from 14 to 21. To enable him to effect this object and secure the aid of Macandrew and the remainder of the Otago members, Mr. Hall cut down the Nelson and West Coast districts in the Middle Island. A phalanx of 35 members for the two-favoured districts, with the aid of friendly members from other places, was calculated upon as sufficient to force the Bill through the House. Mr. Hall professed grief for the fate of Nelson; and its members, without whose aid he could not have defeated Mr. Ormond, felt a real sorrow. The debates were too lengthy for



close analysis in these pages; but the main facts may be stated. The population of the Middle Island had increased between 1878 and 1881 from about 252,000 to 296,000. That of the North Island had in the same period risen to 192,000, exclusive of Maoris. If the natives had been reckoned the process which gave 55 members to the Middle Island would have given 45 members to the North. Such a number might be difficult to coerce. By the proposed scheme Canterbury and Otago were to have 45 members in a House of 91 European members, and would exercise overwhelming control. Mr. Hall hoped to govern through their means. The provincialism which was supposed to have been killed by the abolition of the provinces was alive in the provincial districts. The very lists of members, officially made, separated them in sections denoting the provincial districts which elected them.

Mr. Gisborne, a west coast member, moved amendments condemnatory of the adoption of population as the sole basis, and of equal electoral districts. He argued that seven English cities had a population of about 6,000,000, and that to give them such a representation would raise their members from 37 to 121, and "create a heptarchy worse than had ever been heard of." Sir G. Grey would welcome the prospect of giving control to such a population, though he characterized it as steeped in "degradation, misery, appalling state of vice, intemperance, and want of virtue."<sup>1</sup> Sir William Fox replied that the saying that the people were always right was the maxim of "the great demon of the French revolution, Robespierre;" and bitterly reminded Sir George Grey that for a long series of years Sir G. Grey was himself "the sole impediment" to obtaining constitutional government for the colony. Mr. Sheehan gallantly shielded his former chief by exposing the inconsistencies of Fox, and declared that in introducing this Bill the Ministry were

<sup>1</sup> It may safely be affirmed that distrust of Sir George Grey was Mr. Hall's protection. The former was ever setting class against class. During the session of 1881 he, Mr. Sheehan, and other members attended a public meeting in Wellington to express sympathy with the Irish Land League, and with the efforts (murders, intimidations, houghing cattle, &c.) made by the Irish people "to obtain the right of occupying on just conditions the land on which they were born. . . ."

being "dragged at the chariot-wheels" of Sir G. Grey, as has been foretold of them. Mr. Collins, a Nelson member, who had been staunch to the Ministry even when he thought them wrong, deplored the injustice of the Bill, which the Ministry would probably carry "by the assistance of their great political enemy," Sir George Grey. After long debates, in which the Government evaded discussion, the Bill was read a second time on the 16th August. Mr. Reader Wood on the following day moved an amendment in favour of the population basis, and of estimating the Maori people for that purpose. Mr. Hall opposed the amendment, and it elicited the speeches of Maori members already quoted. Mr. Moss (from Auckland) cogently asked why the loyal Maoris of the north, living peacefully under the Queen's law, and numbering more than 30,000, should not be estimated. Mr. Reader Wood was defeated by a majority of 21, and the House went into Committee on the Bill. On the 23rd August various amendments prevented progress. Mr. Gisborne strove to fix the number of members at 45 for the North and 46 for the Middle Island. But the combined members for Otago and Canterbury, supported by seven from Wellington (including Sir W. Fox and Mr. Bryce), two from Nelson, and two from Auckland, outweighed the bulk of the Auckland members and six from Nelson. Sutton, expectant of the future, swelled the majority. After numerous divisions small progress was reported. Despairing of success by ordinary means, Mr. Hall gave notice that he would move the adoption of the new rules of the House of Commons (28th February, 1880), to prevent obstruction. But a Standing Order required longer notice than he had given, and the Speaker could not put the resolutions. Motions of adjournment impeded progress. The Opposition, by a motion for adjournment, occupied the evening. The same tactics were resorted to on the 30th. Sir George Grey, in a characteristic speech, which even his enemies admired while they were repelled by it, hurled violent epithets against the Ministry; and Mr. Hall replied with less ability, but equal warmth and resolution. The Government would not allow the majority to be set at defiance, and would find means to pass their Bill. On Wednesday, the 31st August, the Speaker announced, when the House met at half-past two, that he had discovered an error in his

practice. He ought to have directed the clerk to read the Orders of the day, without question put—on the re-assembling of the House at half-past seven o'clock. He would do so in future. A Nelson member immediately moved the adjournment. He had "filed his mind" in supporting the Ministry, even when in his opinion they were wrong. He had waived his views, as he thought, for the country's good. He could no longer follow those who deserted their principles in order to conciliate enemies. In the ensuing debate it was urged that the Ministry had brought influence to bear on the Speaker, but he resented the imputation, and said that he alone was responsible for what he had done. Acrimonious debate was arrested by the daily adjournment at half-past five o'clock. Firm to his purpose, the Speaker, on resumption of business at half-past seven, left the chair, and the House found itself in Committee, from which it was not to emerge for 48 hours. The Government set a watch by imposing stated hours of attendance upon their supporters, and in the hours of weariness the orders for attendance were dropped in the House. On Thursday morning (at about half-past two) an earthquake roused the sleeping members, and drove them to the doors. It did not interrupt Mr. Reeves, a Nelson member who was addressing the House. With the usual alternations of propositions the minority protracted the business until half-past five o'clock on Friday. During the customary adjournment it was rumoured that stratagem was to be resorted to, to quell the minority. The precincts of the House were densely crowded. The Chairman declared that the limits of fair discussion had been exceeded, and that he would "not permit to be proposed, nor put from the chair, any further motions to report progress or leave the chair." He would submit only *bonâ fide* propositions, and "strictly confine the deliberations to the point under consideration." He would not permit his ruling to be disputed. If honourable members wished to question it, they would have to do so by motion on notice in the House itself. Mr. Gisborne moved that progress be reported in order that the "unprecedented ruling" might be submitted to the House. The Chairman refused to put the question, and insisted that Mr. Gisborne should speak to a clause of the Bill. Mr. Gisborne calmly maintained that, in speaking to his motion he was



asserting the privileges of the House. The Chairman declared him disorderly, and invited a motion to report the fact to the Speaker. The ready Mr. Hall was in the act of speaking, when the Chairman discovered that it was his duty without a motion to report Mr. Gisborne's conduct, and he reported it accordingly. The equally ready Speaker, checking an attempt on the part of Sir George Grey to interpose, called on Mr. Gisborne to explain his conduct and retire. Briefly Mr. Gisborne accepted the facts as reported by the Chairman, and pointed out that the ruling was "wholly unprecedented," and in contravention of the Standing Orders. All he had asked was a reference to the House. "If it should be considered that I am worthy of censure for trying to protect the privileges of the House, I am quite willing to leave the matter to the House." On his retirement the Speaker called upon Mr. Hall to move a resolution. Mr. Hall asked the Speaker to pave the way for him by deciding "authoritatively the point raised by Mr. Gisborne." The New Zealand Rhadamanthus declined to examine before punishing. "I can now look to the disorderly conduct alone. The question now is the vindicating the authority of the chair, and that must take precedence." Mr. Hall moved that Mr. Gisborne be declared guilty of contempt for disobeying the Chairman, and be fined £20; but, with a lurking consciousness that the Chairman had been in the wrong, bore "testimony to the temperate manner in which Mr. Gisborne had acted." Sir George Grey moved an amendment that Mr. Gisborne "rightly strove to bring under the notice of the House a ruling of the Chairman, which he believed to be of an unprecedented nature." The Speaker permitted only a nominal debate. He insisted that members should be "as brief as possible, in order that the matter might be disposed of." He interjected, while Mr. Moss was speaking, that "it was a great piece of presumption on the part of any member to call on the Chairman to cite the authorities or Standing Orders he is enforcing. . . . He carries the authority in his mind." "I bow to your ruling" (replied Mr. Moss), "and say—Tear up the Standing Orders. I tear them up. I submit to the dictum of the Chairman; but in doing so I hope I shall be excused for saying that no act ever done in this House has so brought our political institutions into contempt

as the position in which we are now placed." He proceeded to remark on the orderly demeanour and good humour of the members in the Committee, but the Speaker told him he "must not enter into a general disquisition." Other members were similarly checked. Mr. Reader Wood succeeded in a few brief sentences in escaping interruption, while he averred that Mr. Gisborne had "committed no contempt nor any offence;" that he had spoken calmly; that he had shown "very distinctly indeed that the Chairman had ruled (I say it with all respect) directly in contravention of the Standing Orders. . . . If we rule that Mr. Gisborne is guilty of contempt, and if we fine him for that, there is no member of this House who may not be judged guilty of contempt, and fined upon the mere caprice of the Chairman, or of the gentleman who may occupy the position you now hold." Having thus passed sentence on the Speaker, Mr. Wood escaped interruption by sitting down. Other members were less fortunate. By 46 votes against 27 the Government prevailed. The Speaker would not allow a motion for adjournment. Mr. Gisborne was called in and admonished opprobriously. He replied: "I do not think it consistent with the respect I owe to you, Sir, or to myself, to make any comments on the observations with which you have accompanied the decision of the House. I submit without demur to that decision. My conscience fully acquits me of any desire to offer any obstructiveness to the business of this House, or of any other desire than to enable this House to have an opportunity of considering and deciding on its privileges, which I believe the ruling of the Chairman of Committees seriously compromised." A sentence thus inflicted and sustained was more an honour than a punishment. The fine was paid. Before it was pronounced Mr. Gisborne's friends had collected the amount, and on the following day the Mayor of Nelson sent an urgent telegram entreating that Mr. Gisborne would kindly allow the people there the privilege of paying what they considered they had "the best right" to pay. Before leaving the chair the Speaker fervidly affirmed that he agreed thoroughly with the Chairman (whose course had probably been determined upon in consultation with himself). Being a law unto himself the Chairman carried the Bill, but did not altogether close

the members' mouths. Clauses were allowed to be discussed, but anything which was deemed "general disquisition" was peremptorily forbidden. There were frequent divisions throughout the night and the following day. The Bill was reported. The Government were aided both in Committee and in the House by the Chairman and Speaker. The third reading of the Bill was moved. Sir George Grey spoke against it, but being checked resumed his seat. Mr. Sheehan, after steering clear of the rock of the Speaker's dictation in a long speech, sat down, not for want of material, but because others desired to speak on the amendment that the Bill be shelved. Mr. Moss, referring to the fact that the House had been gagged, was sharply told that his speaking was a proof that he had not been gagged, and as sharply told to confine himself to what the Speaker considered the question. "I will say" (replied Mr. Moss), "with all due deference to you, Sir, that the fact of my not being allowed to refer to the matter shows that my statement is substantially correct." The Speaker threatened to name him. "I will not risk your further displeasure" (retorted the offender), "knowing how readily you will be supported by a majority in this House." At five o'clock on Saturday the 3rd September, the House having sat without formal adjournment from half-past two p.m. on the previous Wednesday, adjourned the debate until Monday, when the Bill was disposed of in the afternoon.

The press of the colony was divided, as the House had been divided, on the strangling of constitutional forms. There were writers who complained that thenceforth "a minority would be at the mercy of the two leading officials of the House." There were others who triumphed in an injustice which secured additional representation for their districts.

The session closed on the 24th September.



## CHAPTER XX.

## THE RAID UPON PARIHAKA,

IN the absence of the Governor the Ministry promptly concocted a scheme for using the hand of Prendergast to do that which Bryce had wished him to do at Parihaka in the previous year. Te Whiti's mystic language furnished a pretext for the first act of the plot. It was easy to coin danger out of utterances which his enemies could not explain. He himself was accustomed to expound them to his friends in the evening. His esoteric was more intelligible than his public teaching. It had often been admitted that the best Maori authorities "were at variance as to the interpretation to be placed" on his declarations.<sup>1</sup> The Governor sailed for Fiji on the 13th September. The duration of his absence being uncertain, no time was lost in bringing evil to the door of Te Whiti, whose monthly meeting was to be held on the 17th. A convenient reporter was discovered in the person of Mr. Hursthouse, who had been offensively selected to accompany Captain Knollys in December, 1880, and who, with Mr. W. Carrington, another licensed interpreter, had on more than one occasion been told by Te Whiti not to report the Maori speeches because they could not understand them. Hursthouse's telegram to the Native Minister on the 17th September began with the words, "Te Whiti's speech to-day very puzzling."

Before the official report could be prepared casual versions were circulated. One commentator remarked that Te Whiti's statement that Pungarehu would be a living tomb for the

<sup>1</sup> "Te Whiti made a long speech, but so obscure to the European mind that those skilled in Maori language and the tone of thought of the Maoria differ widely as to its meaning."—*New Zealand Herald*, 29th March, 1880.

armed constabulary, even if 20,000 should come there, merely meant that as Te Whiti would give no provocation they would be entombed alive in inaction. Te Whiti said also that "the weapon was ended with the prisons," but nobody could say "positively what he meant. It is true that in one part of his speech he called on both sides now to take up the weapons, but this, which in itself would have seemed alarming, is qualified by another sentence in which he said that goodness was the only weapon which should be victorious, and that the good should rule the world. In short his utterances and those of Tohu were thoroughly ambiguous and might mean anything." Such was the customary report furnished on the 18th September to an Auckland newspaper by its correspondent, who added that he gave a "full explanation, obtained on the best authority, in order to allay any causeless apprehension." But on Monday the Press Telegraphic Association was furnished with a version prepared to please the Government; and, if it had been genuine, there might have been fears of disturbance but for the fact that there was absolutely no change in the demeanour and pursuits of the Maoris. In sending that version to Auckland the correspondent added significantly: "Although persistent efforts are being made in certain quarters to work up a Maori scare I still adhere to my opinion that there is nothing in it. . . I may quote telegrams received to-night by the Government which have been courteously placed at my disposal. They are from independent sources, in every way trustworthy. One says: 'A well-known friendly chief who was at the Parihaka meeting says: Te Whiti's speech was *not* warlike in character, and there will be no fighting on the part of the Maoris.' Another says: 'Three natives arrived from Parihaka to-day. They were surprised at the reports of threatened hostilities.' The third telegram ran thus: 'The natives said this morning that Te Whiti had explained last night the real meaning of his address delivered on Saturday. He said he did not mean to fight, and warned them to be very cautious and not to bring the anger of the Government upon them, and to be sure not to be the first to strike a blow, but to carry on the work; and he cautioned them not to give a literal meaning to his speeches until they were explained.' You will observe that these entirely bear out

the views which I telegraphed to you last night." The correspondent in writing thus did not attempt to please his employer, who had frequently advocated a resort to violence to cut the knot which the Government could not unloose by law or negotiation. In 1879, his principal sympathized with the 'Taranaki Herald' in the statement that "if the natives are to go on as they are now doing, causing alarm over a wide district, it would be better to have a war and to be done with it." Though the editor professed moderation, his frequent assertions that the colonists had been just and moderate in their dealings with the Maoris contrasted strongly with his professions. In March, 1881, he averred that "the defect of the colony's policy has been an over-indulgent treatment of the native race. . . . The time cannot be far distant, however, when the colonists will refuse . . . to tolerate the offensive attitude of Te Whiti." The correspondent of such an editor had no inducement to be lenient to Te Whiti. Moreover, the independent telegrams which confirmed his views were the property of the Government. As, however, the Government desired to use the hand of Prendergast to suppress Te Whiti they were not influenced by a knowledge of the truth. They sedulously set aside the peaceful interpretation which Te Whiti placed upon his own words. The editor could not refrain from remarking (22nd September) that it was singular that "Te Whiti having for so long restrained the natives in the face of what were great provocations (road-making through cultivated fields &c.), should now change his policy," when a "contest with the force of constabulary in the district would be utter destruction to the natives." Such a change would indeed have been strange; but it was not true. It was because the "great provocations" of the Ministry had failed to shake Te Whiti's patience that his provokers resolved to disguise by fraudulent misrepresentations the high-handed outrage which Prendergast lent himself to commit. It ought to have been strange that members of a Ministry could so act; but the moving spirits among them were hardened against justice where Maoris were concerned. The Premier had once interfered with the course of law by simulation of the Governor. Whitaker and Atkinson had been accomplices in almost every act of wrong which the derogate Assembly had perpetrated or condoned.



Conspiracies usually breed rumours, and the hurrying of armed constabulary to the west coast proved that the Government would wait for no act on the part of Te Whiti, whose people made no sign of gathering for a fray. Mr. Rolleston went in September to Pungarehu and took counsel with the commander of the constabulary and the ancient intriguer Parris. It was disconcerting to find that Te Whiti had already warned his people that offensiveness would be foolish as well as wrong. If (he said) you were to kill all the constabulary in the camp, hundreds would come to take their places, and the result would be that you would all be killed and the Pakehas would seize "the whole of the land." These words were flashed to all parts of the colony before Mr. Rolleston arrived at Pungarehu. He telegraphed,<sup>1</sup> on the 26th September, that "neither in Parihaka nor elsewhere is there the slightest indication of any intention of the Maoris to fight. On the contrary, the whole attitude of the natives is thoroughly pacific and good-tempered; while they are engaged to an unusually large extent in cultivation and other peaceful employments." On the 28th he received a deputation at Taranaki, and deprecated the "sensational reports which were circulated," and which drove some settlers to take refuge in the township from an imaginary enemy. The reports had, perhaps, a deeper purpose than Rolleston was permitted to know. The 'Southern Cross' steamer had sailed from Auckland to Fiji on the 26th September, and carried tidings of the rumoured intentions of the Ministry. If Sir Arthur Gordon should hear of them he might suddenly return. It was resolved that Te Whiti, whether peaceful or not, should be attacked while the convenient Prendergast held nominal sway. The Taranaki press and settlers goaded the willing Ministry. The fences with which the Maoris protected their cultivations were called trespasses "on Crown lands." Crowded meetings were held at Hawera and other places, and volunteers were enrolled. A correspondent telegraphed that a considerable section of the people declared war inevitable, that only "thoughtless people can talk about crushing the Maoris at a blow; that one week's war meant devastation and ruin to scores of families; that the Maoris are not inferior in intellect to us, and in cunning are our

<sup>1</sup> Quoted in 'New Zealand Herald,' 26th September, 1881.

superiors. For my own part (he added) I still think there will be no fighting." There was a rumour that Titokowaru had abandoned his settlements at Mawhitiwhiti, and marched to Parihaka. When it was proved to be false the 'Taranaki Herald' said it had been obtained from "a thoroughly reliable authority." While it was greedily read throughout the colony the old man was talking to a newspaper reporter at Manaia; and the Rev. Mr. Luxford, a Wesleyan minister, passed through Parihaka, conversed with Tohu, and found that Te Whiti was planting the annual crops with his people. "The natives were not fencing across the road, but cultivating near the main road, about a mile and a half from Parihaka, one of their old plantations. . . . They complained bitterly of the land being sold. The natives cultivating at Otakeho are cultivating the same field they did last year before the sale. The natives laugh at the idea of fighting. There was not the slightest sign of war preparations. Every native seemed to be planting. . . . The women and children were cooking and playing around them. . . . They were short of food, which consisted of potatoes and wild greens." They seemed to suspect that Mr. Luxford was a spy. No man in his senses could believe that the Maoris were preparing for violence. A correspondent of the 'Hawera Star' condensed his opinion in a few words. "Should proper investigation be initiated into the dealings with Taranaki lands, the agitation about Te Whiti will cease. All Te Whiti wants is an investigation into the past and security for the future. His is free and independent action arising from a sincere desire for the administration in their integrity of the public laws as they are inscribed on the code, and he hesitated not to send his people to gaol in the hope that the question might be raised." As the Government by refusing to afford trial to the prisoners had kept the true issue out of Court, the writer thought that Te Whiti's followers would meet violence by passive resistance which would "leave nothing for the conqueror" but to arrest them all. It seemed that Te Whiti would undergo martyrdom to ensure legal examination of the wrongs of his people. How he restrained the traditional thirst of the Maori for revenge none of his enemies could divine. The ancient malignity of the Taranaki settlers sought a pretext to provoke or crush him.

A deputation waited upon Mr. Rolleston, and dissented from his opinion that there was small probability of disturbance, and that, if there should be any, it would be confined to Parihaka. "We understand (said a Taranaki newspaper), that dissatisfied" (the deputation) sent a telegram to Major Atkinson to the "effect that Mr. Rolleston was altogether unacquainted with the exigencies of the present disturbed state." The ruthless Atkinson was not deaf to the savage cry. Wellington was startled on the 29th by a change in the plans of Mr. Hall. He had been about to depart southwards to Lyttelton in one Government steamer. He sailed northwards on the 30th in another Government vessel with Atkinson to instruct Mr. Rolleston. On the same day it was telegraphed from Hawera that "the Maoris desisted ploughing on the land at Otakeho when requested. It appears that the former proprietor of that portion of Hunter's farm had given them permission to cultivate that small spot." An Auckland newspaper (1st October) reverberated the blows of the press at the west. It was "incredible that the Government should have so greatly exaggerated the peril of the hour, or have been so entirely without a defined policy that matters are to remain as they were, *plus* a large addition to the expenditure of the country." Mr. Rolleston "reports to his colleagues that all is peace at Parihaka," but if so, "why is there all this fuss and expense?" It was true that Te Whiti had not been warlike, "that he does not fire a shot, but he leads us to believe that he may or will, and the result is the same, less the bloodshed." When the prisoners were released they "returned to Parihaka, . . . were made heroes of, and Te Whiti, laughing in his sleeve, comes off unscathed. . . . Is there to be no end of this thorn in our side. . . . The colony will have to make up its mind sooner or later, and why not now. . . . It is quite within the bounds of probability that Te Whiti would still maintain the martyr's rôle" (in which case there would be no bloodshed). . . . Unless the Government were possessed of information unknown to the public, "we do say that energetic steps should be taken promptly to suppress the long-standing nuisance of Te Whiti and Parihaka." The 'New Zealand Herald' was by no means the most malignant enemy of the Maori race, and yet it appeared incapable of understanding that Te Whiti



and his people had been plundered by expulsion from their cultivations, of which successive Governments had guaranteed to them the peaceful possession. If a Government, reprobated by a newspaper, had marched an armed body of men to seize the premises, destroy the machinery, and imprison the staff, it is possible that the editor might have comprehended the case of Te Whiti. Fortunately at this juncture another editor sent able Commissioners to the spot. Messrs. Crombie Brown, and Hamilton, were deputed to visit the west coast on behalf of the 'Lyttelton Times.'

On the 1st October, Hall and Atkinson returned to Wellington. On the 3rd, all telegrams from the west coast said that perfect peace prevailed, but it was "well known that Atkinson had all through wanted firmly to settle the question," and had been persuaded by his colleagues not to resign with Bryce in January. On the same day, to pave the way for resort to Bryce's callousness, the inspired 'Taranaki Herald' deplored the want of earnestness of Mr. Rolleston. He was "well-meaning," but the writer "dreaded the future if Mr. Rolleston continue to hold the portfolio of Native Minister," and sneered at him for saying that the newspapers were responsible for much mischief by publishing "false reports." On the 5th, it was announced in a west coast newspaper that Bryce had been invited to join the Ministry and had declined, because, though the Ministry were prepared to accept his lawless recommendations, they had not assigned him pre-eminence. On the 4th October, Mr. Hamilton telegraphed that Major Atkinson had informed him that the "Government had ascertained from trustworthy sources that Te Whiti disclaims the warlike interpretation of his late speech." Mr. Rolleston declined to tell the settlers what the Government were about to do, but said that peace was well assured, and that the large cultivations at Parihaka were evidence of the peaceful intentions of the Maoris. He visited Te Whiti. The result of his interview was concealed at the time. The placidity of the chief would have made an attack upon him appear ridiculous. But at a later date in addressing his constituents (26th November), Mr. Rolleston accounted for the reticence of his colleagues. "Te Whiti met me in a very friendly and courteous way, to begin with, but refused to admit the right of the Government

to share the land with him. He took up my hat and said: "If your hat were cut in two, what would be the good of it?" and, "If you come to share the blanket with me, I must decline to help you." Mr. Rolleston "believed that Te Whiti would have been glad to come to a settlement if he had dared to do so;" and "it was quite clear to me, after that, that there was no use in carrying on further negotiations." As the Ministry had resolved upon violence, they were wise in their generation in concealing the fact that Te Whiti's conduct afforded them no justification. Bryce, though not in office, was an adviser. The 'Lyttelton Times' (12th October) warned the public of the tendencies of the Ministry. The colony had owned itself "in the wrong by instituting a Commission of inquiry which has not finished its labour." . . . "If it is not too late, let the Royal Commissioner, Sir W. Fox, before any crisis is precipitated, go straight to Parihaka, and call on Te Whiti to state his claims." The Ministry ought to consider "their duty to Sir Arthur Gordon," to whose temporary absence they had assented. "Under these circumstances their evident duty is, except in case of absolute necessity, to await his return before proceeding to extremities." Such might be their duty, but it was not their intention to do it. They had plotted in order not to do it. After writing a characteristic and somewhat threatening letter to Te Whiti (10th October), Mr. Rolleston returned to Wellington, and his assurance that there was no preparation for hostilities on the part of the Maoris was an additional incentive to the contemplated wrong. Triumph was cheap if no enemy could be met. It was falsely rumoured that Te Whiti had insulted Rolleston, and that the honour of the colony demanded revenge. "It matters not" (said the 'New Zealand Herald,' 15th October) what may "be Te Whiti's intentions, or how pacific they may be. He is a living threat and nuisance, and it is lawful and just to suppress him." Well-informed persons whispered that the Government had resolved to seize Te Whiti and to confiscate lands which the West Coast Commission had desired to appropriate to the Maoris. "This course (said the 'New Zealand Herald') seems unimpeachable and business-like;" it might alarm the "natives generally,"—but, "on the other hand it will teach them a wholesome, though not a new lesson." It had

been asserted in the press that the visit paid by Hall and Atkinson to Mr. Rolleston on the west coast was undertaken to over-rule the objection of the latter to the inclusion of Mr. E. Wakefield in the Ministry; but that on that point Mr. Rolleston was obdurate. Wakefield himself, whose career had subjected him to animadversion as an office-seeker, was said to be especially anxious for immediate appointment in order to ensure his re-election. On the 13th October, he told his constituents that the time was approaching when "the natives must be given a strong lesson, and the sharper the better." His obsequiousness did not prevail. Mr. Oliver rejoined the Ministry. But though Bryce remained outside of it, his spirit ruled within. Armed men were poured upon the west coast, although reporters visited Parihaka freely and saw no trace of fortifications or of warlike preparations.

At this juncture the arrival of a steam-vessel (the 'Gunga') in Sydney made known the fact that Sir Arthur Gordon was on the waters, bound for Wellington, instead of (as had been expected) for distant parts of the Pacific, after disposing of business in Fiji. When he reached Fiji on the 20th September, H.M.S. 'Emerald' was put in quarantine for six days. His duties as High Commissioner in the Pacific occupied him on landing. On the 3rd October the 'Southern Cross' arrived from Auckland. A Fiji newspaper descanted upon the dangerous aspect of affairs at Parihaka and the intentions of Hall and his colleagues. The enrolment and arming of volunteers, and the vote of credit for £100,000, snatched suddenly three days before the prorogation, were reported to the Governor in this casual manner and in a note from his private secretary; but it appears from a despatch (22nd October) to Lord Kimberley, that "not a single member of the Ministry addressed a single line to him on that or any other subject."<sup>1</sup> Sir Arthur Gordon sailed for New Zealand in H.M.S. 'Emerald' on the 8th October. At the same time the 'Gunga' left Fiji for Sydney. She arrived there early on the 15th October, and reported the destination of the 'Emerald,' with Sir Arthur Gordon on board. The tidings, borne by the 'Gunga,' were flashed by electricity in the customary manner to all parts of the colonies. One telegram,

<sup>1</sup> Blue-book, 1882 [C. 3382].



at least, was sent to Wellington. More than usual publicity was perhaps given to her report because, in consequence of it, letters which were about to be despatched to the 'Emerald,' by the first conveyance to the islands whither it had been intended that she should sail, were at once diverted to New Zealand by order of the Commodore. What information reached the New Zealand Ministers may never be revealed.<sup>1</sup> Those who work in the dark will not expose their doings. One thing is clear. If any hint of the 'Gunga's' report reached the Ministry they would abandon their designs or execute them promptly, and if need were, in an unheard-of manner. By their manner of action it is fair that they should be judged. If they were bent on using the hand of Prendergast they had no time to lose.

Te Whiti's October meeting was to be held on the 17th. It was hoped that he might furnish provocation. He was mystical; and attempts were made to wrest his words to evil import. Man must be humble. It was God who permitted troubles to arise among the nations.<sup>2</sup> Generation after generation passed away, and so did the troubles by which they were afflicted. "A trouble has come now upon us. . . . This day it rests upon me. The sun shall not shine upon the land, but darkness shall be upon all. . . . Weapons shall not be raised against the people in these days, but only against the wicked. The earth will shake and the mountains shall be removed, but my people shall be protected. . . . Though a multitude swarm upon the land it shall not remain. . . . The blood of the prophets is upon the earth, and will be so in every generation. . . . It is I, Te Whiti, who speak to you. . . . We are like a brood of chickens left in the nest by the parents.<sup>3</sup> We have none to assist us; but,

<sup>1</sup> Some members of the Ministry thought fit to declare afterwards that they had no knowledge of the movements of H.M.S. 'Emerald' with Sir Arthur Gordon. It may be doubted whether any one believed that they were ignorant of what was publicly known, or that they would have resorted to midnight conspiracies without need. The perpetrator of the "Ngaitahu Deed Reference" could not claim to be either foolish or scrupulous.

<sup>2</sup> Te Whiti warned the Government scribes not to take notes because they could not understand. Of this particular speech I have seen two translations, so different that only in a few passages could any similarity be detected.

<sup>3</sup> This was rendered by one interpreter: "When the hen's nest is left a little child may break the eggs, and the chickens will have no mother to watch them."

though the Almighty has permitted trouble to invade the land, fear not. . . . Though the land be overrun by a multitude they shall vanish away. My heart is sad. The people are dead and the land is gone. There is no rest, no peace of mind in these days. I always counselled fortitude (*manawaniu*).<sup>1</sup> In time we shall overcome all difficulties. By power and riches the Pakehas overcome the feeble, not only among us, but throughout the world. Guns and powder shall no longer be our protection. Money and guns are not salvation. This is my glorying to-day. God has protected and will protect the people and the land—not guns and powder. I am not swerving. This is what I have always told you. . . . Every year I have been saying, Be patient. . . . This is the day of my boasting. There is none to guide me. I alone can guide you all.” Tohu, who was reputed to be more warlike than Te Whiti, spoke in the same strain. At times he hinted that the armed crowds at Pungarehu would be miraculously dispersed, but at others he declared that the gates of Parihaka would be open night and day. “The man that is come to kill is standing in front of us. Behind is the dark.”

The ‘New Zealand Herald’ said (18th October) that Te Whiti’s claim to have always said, Be patient, was “probably valid;” but it rightly conjectured that his speech would “have no effect upon the measures determined upon by the Government. There can be little doubt now that Ministers have determined to break up Parihaka, and that what is to be done will be done within a month.” The newspaper harped aright the fears of Ministers. Not a month, nor a week, perhaps not a day remained in which the hand of Prendergast could be used. Bryce was in close conference with them. Whitaker was consulted by telegraph. The hand of Hall, which had simulated the hand of one Governor in 1868, was ready to control that of Prendergast in the absence of another in 1881. Whitaker, Atkinson, and Bryce were of one mind, swayed by no considerations of justice or decency. Rolleston meekly complied with his callous colleagues. Expectation of the return of Sir A. Gordon, which would have constrained honourable men to await his arrival, hastened the acts of Prendergast and the

<sup>1</sup> A combination of courage, endurance, and patience.

Ministry. On the 18th the 'Emerald' sighted the East Cape. All that day and late at night the plotters worked. But no announcement acquainted the public with their proceedings. A periodic meeting of the Executive Council was held at noon on Tuesday the 18th, but its decisions were not promulgated. There had been acrimonious debates in former years as to tampering with telegrams.<sup>1</sup> The telegraph office was a Government Department. Whether inspired by divination or fortified by information, Mr. Hall, on the morning of the 19th October, took occasion to converse with a gentleman through whose hands a telegram had been received on the 16th, announcing the immediate return of Sir Arthur Gordon by H.M.S. 'Emerald.' Mr. Hall asked whether news had been heard of the Governor. Not deeming himself justified in revealing private information, the gentleman did not speak of the telegram, but expressed his belief that the 'Emerald' might be looked for at any moment with the Governor,<sup>2</sup> and that the 'Southern Cross' steamer, then overdue, with mails from Fiji to Auckland, would bring definite information as to Sir Arthur Gordon's movements. Mr. Hall thought, or affected to think, that Sir Arthur Gordon would visit Samoa and Tonga before returning to Wellington, but was in all good faith assured to the contrary by his

<sup>1</sup> In 1882, Sir G. Grey reminded the House, apparently without contradiction, that on assuming office in 1879 the Hall Ministry "committed a great crime. They burst open the telegraph office and took out the telegrams of their predecessors. . . . Those things which were written under the solemn seal of secrecy, as it was thought, were brought up and examined by the Ministry". . . (New Zealand 'Hansard,' 23rd May, 1882).

<sup>2</sup> How hard it is to rase out proofs of guilt is shown by the struggles of Mr. Hall and his colleagues to conceal the truth. Mr. Stout and others argued that the nocturnal cabal was prompted by knowledge that the Governor was speeding homewards. Mr. Rolleston dared to write (to the 'Christchurch Press'): "I shall be obliged if you will allow me to state absolutely that neither the Ministry, as a whole, nor any member of it, had, up to the time when the 'Gazette' containing the proclamation was published, received information that the Governor's speedy return might be expected, that in fact no intelligence of the Governor's movements, actual or intended, had been received by the Government or by any Minister from the time his Excellency left Auckland for Fiji until he returned to Wellington." If Mr. Rolleston did not wilfully err, or had not suffered a decay of memory, it must be concluded that Mr. Hall was as disingenuous to his colleague as he was untrue to his Queen.



colloquist, who imagined that intimation of the Governor's movements would induce honourable men to await his return. But spirits never finely touched to fine issues saw in that return an incentive to base deeds. Prendergast was of the cabal if not formally a member.

The 'Emerald' meanwhile was ploughing the waters close at hand as the plotters plied their tongues and pens on shore. It was determined to accomplish with indecent haste what it might well be doubted whether any upright man could approve. A reign of terror was to be created, and the executioner was to be Bryce, who was to supersede Rolleston.

At half-past five o'clock on the 19th, when business hours had passed away, Prendergast appeared upon the scene. He directed that the Executive Council should be summoned to meet that night at eight o'clock. The gentleman who had assured Mr. Hall in the morning that the Governor's return might be expected at any moment, saw Prendergast in the evening, and learned from his lips that Mr. Bryce was to be reinstated as Native Minister.

How skilful soever plotters may be it is not easy to mask their designs, and the gentleman remarked that he had heard rumours of an intended proclamation of war against the natives. Prendergast repudiated the idea as absurd. There would be a proclamation, however, explaining to the natives the state of affairs, and it was quite unnecessary to await the Governor's return because complete responsibility rested on the Ministers. (It has been seen that the treaty of Waitangi, the word of the Queen, the injunctions of Secretaries of State, the vows of Governors, and the guarantees of the Constitution Act, were but "gilt o'erdusted" in his eyes.) The gentleman warned Prendergast as he had warned Hall, that Sir Arthur Gordon might be expected at any moment in the 'Emerald;' but Prendergast was deaf to suggestions that it was proper to defer important action until the Governor's arrival. The more proper it might be, the less inclined was Prendergast to such a course. There can be no plea for the Ministry but one which confesses a craving to forge, by the hand of Prendergast, fetters which should bind Sir A. Gordon to consummate iniquity sanctioned by his

unworthy substitute. Any plea for the substitute must be dismissed with disgust.

The 'Emerald' was rapidly approaching the harbour, when "with whispering and most guilty diligence" the Ministers hied to their "repair in the dark," not deeming it possible that any one would be able "to look upon their passes" in their secret session of shame. The convenient Prendergast, crammed at previous conferences, and nominally stirred by an official memorandum (dated by Hall 19th October), signed a proclamation recounting the heinous neglect by Te Whiti of the proposals of the Government, and the wrongs done by Te Whiti "to natives as well as Europeans. . . . Te Whiti and his adherents must now accept the proposals of the Government, or all that they might now have under these proposals will be beyond their reach." All offers would be withdrawn after fourteen days unless in the mean time Te Whiti would lick the dust at the foot of the marauding Bryce.

It could not be, and was not, expected that he would do so, and such an announcement was a transparent device to evade the reservations of land which the West Coast Commission had recommended. Remembering that when Whitaker and Fox insisted on sweeping confiscation in Waikato, they contended that it would be ineffective unless it included the possessions of the innocent, the hand of Whitaker may here be seen "writ large:" "Should the natives be so infatuated as to disregard this warning, the Government will proceed to make roads throughout the Parihaka block, and to lay off lands for European occupation, inland of the main road. The claims of such natives, under previous promises, will then have passed away, and none of them will be allowed to occupy lands in defiance of the law." To this consummation had all the works of Whitaker been tending, and in Bryce he found a fit instrument.

Mr. Rolleston as Native Minister attested the proclamation, and was said to be in full accord with it, but whether he felt secret shame, or apprehended that honour might claim a place in his breast while enforcing it, and thus palsy his hand, cannot be pronounced. The next act in the plot was to replace Bryce as an Executive Councillor, and "Native and Defence Minister." The "Honourable William Rolleston" was declared to have

"resigned." The Prendergast proclamation was hastily printed and issued in a 'New Zealand Gazette Extraordinary' late at night, and conveyed to the newspaper offices for transmission by telegraph through the length and breadth of the land. The appointment of Bryce was communicated also, but the 'Gazette' did not contain it. His departure for Parihaka was arranged, however, for the following morning before sunrise. The huggemugger Council and its nocturnal results had not ended when the 'Emerald' anchored in the harbour between 10 and 11 o'clock, and Prendergast's derogate authority expired. The Governor did not disembark that night. The evil-minded but energetic Bryce had been several hours on the road when Sir Arthur Gordon landed soon after 9 o'clock on the morning of the 20th. Rumours ran through the town, and were flashed throughout the colony, as to dissensions between the Governor and the Ministry; and a Wellington newspaper<sup>1</sup> declared: "The Governor will interfere at his peril, and should he be tempted to so blunder, he will find that he has made the Imperial authorities directly responsible for whatever results may ensue."

An Auckland newspaper, less servile to the Ministry, thought that although Sir A. Gordon had "all the force of character requisite for the performance of what is believed to be duty in scorn of consequence," he would be too prudent and sagacious to interpose, when the concurrence of the Attorney-General and the Chief Justice indicated that what had been done was lawful. Moreover, a "general election was approaching;" the Government would not flinch from its "definite native policy," and "that this policy has the approval of the country there can be no doubt." The newspaper had ill-omened reason on its side. The Ministry desired a popular cry at the ensuing elections, and rightly calculated that none would be so easy to obtain as one based on their determination to push the Maoris from the rocks on which the rising tide of colonization still left them a footing. At Taranaki they might almost hope that their supporters would be elected without opposition. A despatch (22nd October) from the Governor to Lord Kimberley thus explained the facts: "On the morning of the 20th I at once asked for a statement of the causes which had led to so great a change of policy and

<sup>1</sup> 'New Zealand Times,' 22nd October.



action. Such a statement has been promised me by the Premier, but has not yet been placed in my hands. When it is so, I shall be better able to judge how far I am prepared to accept the consequences of measures to which I have been no party, and the justice and expediency of which as yet appear to me very doubtful.”<sup>1</sup> The statement, dated 24th October, was signed by Mr. Rolleston. It concealed the fact that the operations of the Government goaded the invaded agriculturists, and it deceptively arrayed rumours and telegrams in order to show that Te Whiti was an aggressor. Fresh from a plot to over-ride all law, Mr. Rolleston said: “Until Te Whiti or his incredulous followers are practically “convinced that the statute law of the colony must take its course, no permanent solution of the difficulty is possible.” Sir A. Gordon (No. 36, 3rd December, 1881) told the Secretary of State, in a comprehensive despatch, that he “failed to see any adequate explanation in Mr. Rolleston’s (enclosed) memorandum of the sudden decision of the Government, or proof of the urgency which rendered it necessary to act in the absence of the Governor. . . . If Te Whiti was indeed a trespasser on the land, liable at any moment to expulsion, it certainly appears to me that it would have been desirable that legal proceedings should have been taken against him, and the question at issue decided by the highest and most impartial tribunal before which it could be brought. Against such a proceeding nothing could be said; but the employment of military force, the arbitrary arrest of hundreds of persons, the confiscation of private personal property, the destruction of dwellings and cultivation, and other measures for which an Act of Indemnity may not impossibly be required, appear to me unhappy methods of teaching that the

<sup>1</sup> The production of the Blue-book on New Zealand affairs [C. 3382], on the 2nd November, 1882, enables me, while correcting the press, to refer to the despatches so long kept back by Lord Kimberley. I could have wished to see them at an earlier date. All that I can now do is to quote a few passages, and to commend the perusal of the despatches themselves to those who feel interested in the subject which they so ably and calmly deal with. Sir Arthur Gordon sent copious extracts from newspapers, on both sides of the question; and told Lord Kimberley that the action of “the Government undoubtedly meets with the entire approval of the great majority of the people of the colony.”

‘statute law of the colony must take its course.’” What Lord Kimberley thought of these things it is needless to imagine. What he did was to conceal the despatch from Parliament for more than nine months, and in the meanwhile to induce Her Most Gracious Majesty to confer a title upon Mr. Hall; and if in after times Whitaker, Atkinson, and Bryce, receive the same distinction, the order to which they will belong will bid fair to stand as much “in mock as mark.”

On the 21st October, it was notified in a ‘New Zealand Gazette Extraordinary,’ that Prendergast had on the 19th appointed Bryce to succeed Rolleston. The notice was dated on the 19th, and there had been an ordinary ‘Gazette’ on the 20th containing no mention of Rolleston’s successor. The cruel are often cowardly; and it may be that when Mr. Bryce stated in December, 1879, that he “would not like to take the responsibility of remaining in office” if the House should declare that the Maori prisoners should be tried according to law, he was fearful lest on acquittal they might resort to violence in revenge for unjust imprisonment. He determined in 1881 to pour troops upon Parihaka in such numbers that the Maoris might be consumed at his command. That Te Whiti’s followers would obey his injunctions to be peaceful if violent hands should be laid upon him seemed incredible; and volleys fired upon a crowd of men, women, and children, and a conflagration of the settlement, would end all difficulties at Parihaka. Bryce could see nothing heroic in Te Whiti’s patience, and could not comprehend that the day would come when his own character would seem vile beside that of the persecuted Maori. While conferences with the Governor detained Hall and Atkinson in Wellington, Bryce was cheered by such a crowd at Patea as had in former years reviled Bishop Selwyn at Taranaki. He sent a copy of Prendergast’s proclamation to Te Whiti, who after hearing a portion of it read, said, “That is enough, read no more,” and told Bryce’s messenger that he had no answer to send. “I have no more to say than I have always said.” The reporter thought him careworn. He and his people “seemed to regard the proclamation with the utmost indifference, but judging from trustworthy accounts . . . this indifference is in a large degree mere affectation.” Copies of the proclamation were left at Parihaka. It was reported

that Bryce rode about with an armed escort. Mr. J. Mackay, who had been sent in 1879 to treat with Te Whiti, published a careful statement concerning the lands on the west coast. He would leave the Parihaka block to the last. He also contemplated difficulty if the natives should resist. "If they are determined to have war we shall require a large force, and the natives will be troublesome for a long period."

The New Zealand public were not left without warning of the true meaning of the action of the Government. Mr. Stout pleaded, in the name of national justice, the cause of the Maoris. The 'Lyttelton Times,' to whose intelligent Commissioners the public were to be indebted for a knowledge of the truth, pleaded in like manner, and recalled with mordant pen the broken promises with which Fox and Bell had shown that Government after Government had strewn the west coast. Such pleadings were vain. The community as a whole were willing that, by right or wrong means, that which was called "the native question" should be done away with. The astute Whitaker and his accomplices knew well that to the multitude, which cares not to analyze, the settlement of the question would be pleasing, howsoever brought about. A general election was approaching, and they paraded their intention to crush the Maori once and for ever. Sir George Grey had compelled them to do his ochlocratic work by bills which created universal suffrage, triennial parliaments, and equal electoral districts. But he had not cleared the Maoris from the path. They would prove their power to do so. He could not protest, for he had himself, in 1879, been linked with the vile Peace Preservation Bill thrown out by the Council. If Sir George Grey should protest against the action of the Ministry, he would render himself unpopular. If he should acquiesce in it, the Ministry would profit by his implied support. It was necessary to gain strength, and no cry would be more popular than the practical abolition of Maori rights and of all vestiges of the detested treaty of Waitangi. Sir George Grey justified the Ministerial expectations. He would run no risk of defeat by denouncing the brutal march upon Parihaka. Mr. Stout would probably have denounced it if he had been a candidate. As a bystander he appealed in sorrow to his fellow-subjects: "I suppose, amidst the general rejoicings at



the prospect of a Maori war, it is useless for any one to raise his voice against the present native policy. I do so more as a protest than with any hope that any one colonist can ever aid in preventing the murder of the Maoris on which, it seems, we as a colony are bent. I call it murder, for we know that the Maoris are as compared with us helpless, and I am not aware of anything they have done to make us commence hostilities." He recalled the unconstitutional Acts of recent sessions, and sadly recorded the truth: "We are powerful, they are weak, and that is the only explanation that the future historian will give of our conduct." He added to the means by which the truth might be proved, but he did not check the career of the Ministry. Within a few days of the publication of his letter, the Ministry asked the Governor to sign a warrant calling out volunteers throughout the colony for active service. The request was of little significance, inasmuch as many of the men had already been despatched to Parihaka, without reference to the Governor, whose formal order was held requisite to place the volunteers under military discipline. The Ministry represented to the Governor that they "possessed and meant to exercise the power to move and employ bodies of local troops without any reference even of a formal character" to the Governor.<sup>1</sup> As it was plainly desirable that forces in active service should be under discipline, Sir Arthur Gordon "had no hesitation in signing the proclamation" on the 27th October. On that day the 'Lyttelton Times' published a narrative of the case of W. K. Matakatea, which Fox and Bell had denounced as disgraceful to the Government. "A

<sup>1</sup> Blue-book [C. 3382], 1882. This despatch was received by Lord Kimberley in December, 1881: but he having in July, 1881, undertaken to "delay publication if possible" (*vide* New Zealand Assembly paper, A. No. 8, 1882), the abuse of military force was concealed from the Parliament of England until 2nd November, 1882. The assumptions of the Ministry as to their powers were blown to the winds by Judge Gillies, who in his charge to the Grand Jury at Taranaki explained that even under the West Coast Settlement Act, it was recognized that persons proceeding against the Maoris should be "authorized by the Governor. . . . It would not be sufficient for some Minister verbally to give such an authority. It must be the official act of the Governor, through a Minister, authorizing some special person to do some particular act in pursuance of the provisions of the statute." Lord Kimberley received this charge in June, 1882, at which time he was withholding information from Parliament.

loyal chief after waiting for sixteen years to get a formal right to that of which he ought never to have been deprived, and after undergoing imprisonment<sup>1</sup> in a gaol for what, considering his intolerable grievance, was, if he committed it at all, a mild form of trespass, is to get a title contingent on his keeping the peace which he never broke. This is a fine reward for loyalty truly." On the 28th, the 'Lyttelton Times' concluded an article on the Prendergast proclamation by saying that "a threat to deprive the natives of the west coast of their lands in defiance of sacred promises, for not at once putting off (their) faith (in Te Whiti) is a piece of wanton cruelty." The writer might prove the nature of the threat, but he was unable to deter the Ministry from committing, or the public from applauding, the act, which no fiction or pretence could excuse.

The London 'Times' contained at this period pregnant proof of the deception practised upon the English people by the simulators in New Zealand. Supplied with official information, the 'Times' correspondent (9th September) reported that "the firm and patient treatment of the native question" was highly successful; that Te Whiti was still vaticinating, "but the Government has sold the confiscated territory up to the very gates of his fortress at prices paid by *bonâ fide* settlers which testify to their confidence that peace will not again be disturbed; (one half acre had brought between £80 and £90). This is the real solution of the native difficulty." No English reader could gather from these statements that much of the land thus sold was land on which the Maoris had been invited to remain with a promise that they should be undisturbed; that in the original proclamation of confiscation the Governor assured "to all those who have remained and shall continue in friendship the full benefit and enjoyment of their lands;"—that Te Whiti was, and always had been admitted to be, one of those; that the proclamation of confiscation of 2nd September, 1865, repeated the assurance; that Government after Government had pledged their frail faith to maintain it; that the roads which the Maoris had

<sup>1</sup> Matakatea was one of those who (Bryce said in Parliament, 30th July, 1880) were "taken prisoners without any form of law," and who was never tried.

been imprisoned for obstructing were in some cases marked through their cultivated grounds, and that Te Whiti had not, and never had had, a fortress.<sup>1</sup>

Simultaneously with the publication of the letter of the 9th September appeared a telegram (22nd October) announcing the threats conveyed in Prendergast's proclamation, the resumption of office by Bryce, and the return of Sir Arthur Gordon. The prompted telegram declared that the Government had "done its utmost to bring the Maoris to reason . . . without effect," that volunteers were being enrolled, and that public opinion in the colony was "strongly in favour of the action taken by the Government." On the 27th October, the 'Times' devoted a leading article to the matter. It reminded its readers that in September, 1879, it had given an account of the "singular personage" Te Whiti; it alluded to the Parihaka difficulty as a dispute about land; and, with truth, the full import of which the writer could scarcely have divined, admitted that "the accounts which have so far reached us are meagre and unsatisfactory, and it is therefore not easy to form from them a definite judgment as to the real merits." The writer nevertheless owned allegiance to principles which the Hall Ministry peremptorily discarded when they took Bryce to their bosoms. The problem to be solved in dealing with "the primitive occupiers of the soil" could at "best only be solved by patience and forbearance, by strict justice and unswerving fidelity to engagements once entered into. The melancholy history of former wars in New Zealand is, we fear, a proof that this mode of solution has not been uniformly adopted." . . . "The contemplated bad faith on the part of the Government (in 1879, of advertising land for sale at Waimate, 'regardless of native claims') cannot but have produced a mischievous effect on the minds of Te Whiti and his followers, and may very possibly account for the present difficulty in dealing with them." If, however, as had been asserted, the Government had become more generous than formerly, the editor thought Te Whiti deserved "very little

<sup>1</sup> It is discomfoting to reflect that while this false information was supplied to and published by the 'Times,' Lord Kimberley had in his hands, and at the request of the Hall Ministry concealed from the public, Sir Arthur Gordon's report upon the facts.



sympathy." . . . We cannot but hope that much "forbearance will be shown, and that native prejudice and even native fanaticism will be respected as far as they can be, without unduly impeding the progress of a higher civilization. . . . The Maori like every other primitive race is doomed to gradual extinction. . . . The Maori knows this himself, and his pathetic acknowledgment of defeat is part of the tragedy of human nature. But though the result is inevitable it is our manifest duty to see that the process is kindly and just." The spirit of the article was briefly telegraphed to New Zealand; and was resented by those, who, like Whitaker, had argued that confiscation which did not rob the innocent was useless; who, like Hall, saw no wrong in fabricating an order in the Governor's name to defeat a legal claim; or who, like Atkinson, openly advocated the "extermination"<sup>1</sup> of the Maori question. But

<sup>1</sup> Mr. Moss, on the 30th May, 1882, stated in the New Zealand Assembly, that Atkinson was cheered by his constituents in 1879 for saying that "if there was any difficulty in that part of the country again the Maoris should be exterminated." Atkinson was in the House on that day, but 'Hansard' records no dissent from Mr. Moss's statement. Subsequently Atkinson took exception to a reference (in a despatch from the Governor) to Atkinson's "speech at Hawera," to identify which a note to the despatch said,—“In which he is reported ('Taranaki Herald,' 7th June, 1879) to have expressed a hope that the Maoris would be exterminated." Atkinson, seeing the despatch, wrote to the Governor (10th June, 1882) to deny that he had ever used such an expression. But Atkinson had not contradicted the report in 1879, nor subsequently in Parliament. (Mr. De Lautour in a published letter (26th Oct. 1881) had quoted it.) The resolutions adopted at Hawera, where the speech was made, advocated immediate arming of settlers, and the obtaining of "Snider rifles instead of Enfield rifles from the (Grey) Government," which (according to the 'Taranaki Herald') Atkinson urged them "to keep an eye upon. He hoped, if war did come, the natives would be exterminated, and throw the responsibility upon the Government, and bring matters to a speedy conclusion." Having secured popularity at Taranaki in 1879, by the uncontradicted report of his speech, which accorded with the spirit of many of his sayings, it was hardly worth Major Atkinson's while, after two years, to solicit a character for humanity which jarred with his whole career. With singular fatuity Mr. Bryce, though he could not complain of anything said in the despatch, objected to by Atkinson (No. 38, 28th December, 1881), deplored that something had been omitted which would have tended to exculpate him with regard to the "greedy desire for land which has so often and so wrongfully been imputed to New Zealand colonists." Sir A. Gordon forwarded Bryce's memorandum to Lord Kimberley, but was "at a loss to understand Mr. Bryce's sensitiveness."

the words of the 'Times' might influence the credit of the colony, and therefore rash apologists insisted that the treatment of the Maoris had not been unjust. Who would scrutinize the past? Selwyn and Martin were dead. Where would be found a man with the patience to study the subject and revive the thoughts which had died with them, or found only an unregarded echo in the mouth of the upright Mantell? The 'Lyttelton Times' (29th October) appealed in vain, and reminded the public that Fox and Bell had deplored "the spectacle of a Government allied with spies, and seeking to profit by intrigues" which would degrade it in the estimation of Te Whiti, "and justify his aversion from our rule." An Auckland newspaper, on the other hand, averred that it had always counselled forbearance; and that the Government had made "effort after effort to get Te Whiti to say what he wanted. . . . We must either abandon the west coast or leave the settlers to be driven off. . . ." Yet the same article cited the statement of the West Coast Commissioners, that they "refused to hear counsel who wished to question the validity of the confiscation, and told the natives at the very outset that we were not there to discuss such questions with them. . . ."

Such was the justice meted to the Maoris, and such were the arguments which satisfied colonists in New Zealand. Mr. J. C. Firth published a letter, surmising that if Te Whiti's influence, always used for peace, should be destroyed, his mantle might fall on a turbulent leader, and under "the fierce stimulus of a wild despair, atrocities usually attendant upon Maori warfare" might be committed. "Would it not be a wiser and a nobler policy for the strong white race to hold its hand and redress acknowledged grievances rather than by rushing into war to destroy the remnants of a race which, whatever its faults, is not without many noble qualities?" Mr. Firth was right; but Bryce, Atkinson, and their abettors were neither wise nor noble. What was really wanted was to remove Te Whiti from the lands which Donald McLean had allowed him to dwell upon and to deem his own under tribal rights.

Volunteers were poured to the west. Apprehensions lest Tawhiao should aid Te Whiti were allayed by publication of an official telegram from Major Mair to the effect that Tawhiao

would not permit any of his people to be drawn into Te Whiti's cause. The announcement was almost unnecessary, for Te Whiti had never sought for countenance at Waikato and had referred disrespectfully to Tawhiao and Rewi, who reciprocated his contempt. On the 26th Bryce said he would send a letter to Te Whiti, "roughly speaking," to the effect that the chief must decide wisely about Prendergast's proclamation. On the 27th he said: "the Maoris were in great force completing their planting and fencing." On the 3rd November, he had heard that no resistance would be made, and thought the Maoris "very foolish if they think to beat us in the way they propose to adopt. They will make it difficult and dangerous for us, but if they persist they will come to great grief." Finding more than 2000 armed men at his disposal, and that Te Whiti made no preparation for defence, Bryce wrote that on the 5th November he would go in person for Te Whiti's answer to the proclamation. "I have had enough of letters. I will read no more of them"—was Te Whiti's reply to the messenger and to Carrington the interpreter. He was told that Bryce would be there on the 5th. "Let him come; the way is open. He will find no defences here." A telegram (30th October) said: "It is deemed certain that Te Whiti will calmly await" Mr. Bryce and his followers. Te Whiti addressed his people on the 31st October: "Your salvation this day is in stout-heartedness, patience, and forbearance. I have nothing to conceal from you; you have nothing to fear. You must believe in my teaching or you will die. You must remain at Parihaka, and none of you shall be destroyed. Flight is death. There must be no violence of war, but glory to God and peace among men. You are a chosen people and none shall harm you. Formerly you have been advised to fight,<sup>1</sup> but the weapon of to-day is not the weapon of former years. All fighting must cease. I fight not against men, but rather against the devil and all wickedness, that it may be destroyed. Let us not use carnal

<sup>1</sup> Some persons inferred from this speech that Te Whiti was deterred from resistance by the number of Bryce's army. But the deduction is unwarranted by any part of Te Whiti's conduct. Moreover, the official telegram sent by Bryce to Mr. Hall on the 1st November, reported Te Whiti thus:—"We were told formerly to fight, but not against men."—Blue-Book. C. 3382 of 1882, p. 192.



weapons. You must not follow your own desires lest the sword of God fall upon you. Forbearance is the sole ark of your safety. As Noah built the ark to carry his people safely through the flood, so let fortitude be the ark to save you. Be patient and calm. Be not anxious in mind. God would be displeased if there were any fighting. Formerly the young have had their own way; let them now sit and watch. Now is the glory of peace upon the land. Let us wait for the end. Nothing else is left for us. Let us abide calmly upon the land." Such were some of the phrases with which an oration, replete with illustrations from the Old Testament, was interspersed. Unable to comprehend Te Whiti, his enemies suggested that his peaceful counsels would probably put him "in personal danger when his omnipotence is disproved by the advance of the constabulary, unchecked by the promised supernatural interference. It would be singular if the Government had to protect Te Whiti from being lynched by his credulous and deceived adherents." A better-informed person revealed in the 'Wanganui Chronicle' the esoteric teaching with which Te Whiti prepared his people for the future. "I stand for peace. Though the lions rage still I am for peace. I will go into captivity. . . . My aim will be accomplished. Peace will reign. I am willing to become a sacrifice for my aim. The Pakehas trouble themselves. They cannot understand my heart. If I desire peace and sacrifice myself for it, is it not well? The Pakehas are indeed robbers. With such I cannot contend. Our Saviour did not. He was crucified for the sins of the world. He is God. I will be deified too. I sacrifice myself that there may be peace. In after years it will be seen and acknowledged though I be no more upon earth. Oh, hard-hearted people! I am here to be taken. Take me for the sins of the island. Why hesitate? Am I not here? Though I be killed I yet shall live; though dead, I shall live in the peace which will be the accomplishment of my aim. The future is mine; and little children, when asked hereafter as to the author of peace, shall say—Te Whiti,—and I will bless them."

The Wesleyan minister, Rev. J. Luxford, gallantly strove to arouse a sense of right. On the 30th October, preaching to a

large congregation at Patea, he exposed the injustice which had been done to the Maoris and that which was in its fell course. The reporter said he was "listened to attentively, but the feeling here is unanimous in favour of war." "If we do not have a native war," the 'Lyttelton Times' said (31st October), "it will be because Te Whiti is too great a man to be goaded into hostilities." On the 1st November the same paper declared that Atkinson's re-election had been deemed insecure, and that the destruction of Parihaka was the shameful price for which security was to be bought. Mr. De Lautour appealed through the columns of the same paper against Prendergast's "injudicious and unreasonable" proclamation. Every Maori slain under it would be "a human soul murdered for no better reason than this: That successive Ministries have been as fruitful to promise as they have been slow to perform their promises."

Though Te Whiti's esoteric teachings were published, Mr. Bryce and those who abetted him affected to think that there was great danger of war. He reconnoitred Parihaka on the 3rd November in company with his military commander. He was inflated by the unhappy consistency with which the Colonial Office conferred distinction. On the 1st November the 'London Gazette' announced that Prendergast had been knighted. The tidings were flashed to New Zealand, and gave hope of similar notoriety to Bryce for similar deserts. As there was nothing to fear at Parihaka it was rumoured that fortifications had been erected in the neighbourhood. Dynamite in secret mines was spoken of as the miraculous means with which Te Whiti was prepared to disperse like smoke the 2500 armed men collected round his abode.<sup>1</sup> Yet a sense that his boastful

<sup>1</sup> Incongruous arguments were put forward in defence of the Government. It was urged that Te Whiti would be in danger of murder by his followers when his want of supernatural power might be proved, and in the same breath it was alleged that he induced his people to be peaceful only because the troops were numerous. The 'Lyttelton Times' disposed of this assertion by saying (2nd November): "Our correspondent fortunately supplied us with reports of the speeches, and there is not one word in those reports to lead us to conclude that Te Whiti ever said anything of the kind." On the 3rd November, the same paper vigorously denounced the Prendergast proclamation, and the "disloyal and unconstitutional" conduct of the Ministry in procuring it. At the cost of civil war "a good cry for the general

display might be shamed vexed Mr. Bryce's soul. Colonel Roberts, his military commander, promulgated, 2nd November, a notice suspending traffic between Stoney river and Opunake on the 4th and 5th November. If the army was to be made ridiculous no vulgar eye was to see it. A Correspondent visited Te Whiti nevertheless on the 4th. On that day Bryce ordered that no civilians or newspaper correspondents should approach the scene. Offenders would be arrested. Meek deputations vainly deprecated his resolution. It was rumoured that many Taranaki volunteers thirsted for blood as well as land; that some of them had sworn to shoot down the first Maori who placed it in their power to kill; and that on the raising of even a wooden weapon Bryce required death to be inflicted. An Armstrong gun was placed in position to cannonade the village. While these preparations disturbed Bryce's camp a traveller visited Parihaka on the 4th, and reported that "the natives were busily engaged clearing the road to the village and taking out the stumps so that the cavalry and volunteers might have no impediment in their advance."<sup>1</sup> A 'Lyttelton Times' Correspondent and others resolved to see the march upon Parihaka in spite of Bryce's prohibition, which was denounced in the press as uselessly tyrannical and tending "to make a fool" of its author. The Correspondent was astir long before the army. When about 300 yards from Parihaka, he and Mr. Humphries, the representative of the Press Association, left their friends on an eminence to observe the movements of the army, and by a circuitous course entered the village and explained their object. The Maoris answered:

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election" was to be created. "A Richmond or an Atkinson" was ever at such a crisis "in the political foreground." Mr. C. W. Richmond at the Waitara, in 1860; his brother, Mr. J. C. Richmond, and Major Atkinson in later years, had done their dismal work; and "now again we have Major Atkinson as the harbinger of another storm." The Bishop of Nelson struck an unpopular chord when he invited his people to pray for "our Maori brethren who are in sore perplexity and trouble." All appeals were vain: violence was safe and popular.

<sup>1</sup> 'New Zealand Herald,' 7th November, 1881. Oral information from the visitor to Parihaka. Some foolish banterer had suggested that perhaps Bryce would be shot. Bryce afterwards declared that "had this taken place it meant the death of the whole of the natives assembled there" ('New Zealand Herald,' 17th December). Such was the doom prepared for hundreds of women and children.



“We quite understand why the Government are ashamed that the public should know what they are doing; but we have nothing to be ashamed of, and you are welcome.” The visitors were invited to sit in the *mārāre*, or meeting-place in the open air; but more distrustful of Bryce than of Te Whiti they preferred to ensconce themselves within a *whāre*, and watch unseen.

In the *marae* were gathered about 2000 of Te Whiti’s followers, men, women, and children, in their best attire. Yet the Correspondent observed an air of gloom amongst the grown people. “The whole spectacle was saddening in the extreme; it was an industrious, law-abiding, moral, and hospitable community calmly awaiting the approach of the men sent to rob them of everything dear to them.” The Maori spirit of resentment on which Bryce relied to justify the intended fire and slaughter, was the spirit which Te Whiti strove to hush. “At intervals” he and Tohu addressed the people on that early morn, enjoining “peace and forbearance under any insults or oppression.” At about 8 o’clock, Bryce on a white horse appeared with his army. He had sent to the rear the correspondents he had found on his way, and knew not that others saw him. He appeared “exceedingly anxious.” “Mr. Rolleston, who was on foot, seemed to regard the whole affair as a good bit of fun.” In spite of Bryce’s proclamation that no civilians should accompany the army, he was himself accompanied by more than one. Some contempt was thrown on the advance by a mimic dance, and songs of derision, the actors being children. Nevertheless, in solemn form, the unarmed Maoris were surrounded. In earnest words, inaudible to the Europeans, Tohu adjured his countrymen, as the armed men stepped within the actual precincts of the encampment. Before 10 o’clock Major Tuke and a civilian were sent forward to obtain Te Whiti’s reply to Prendergast’s proclamation. Receiving none, Tuke read the Riot Act, and his companion translated it. The Maori assemblage heeded not, but “sat with eyes fixed on Te Whiti. His slightest variation of countenance was reflected on the faces of all, and any words he addressed to those close to him were whispered from one to another until they reached the uttermost circle of the densely-packed meeting.” At 10 o’clock two officers with about a

hundred picked men, armed with loaded revolvers, and some carrying handcuffs, advanced to the crowd. Captain Newell told the men to be firm, but to use no unnecessary violence. The Correspondent from his hiding-place could have touched Captain Newell with a walking-stick while remarks were being made as to the absence of any newspaper reporters. Tohu briefly addressed his people. "Let the man, Bryce, who has raised these troubles, finish his work this day. . . . Let none be absent. Stay where you are; even though the bayonet come to your breasts, resist not." Before 11 o'clock the bugle sounded, and the army surrounded the Maoris as they sat. Newell told his men to "clinch the handcuffs tight." Tuke told them to shoot down instantly any Maori who might raise a tomahawk. Still Te Whiti made no sign. Colonel Roberts ordered Hursthouse, the interpreter, to call Te Whiti. Te Whiti declined to stir. If Bryce and Rolleston wanted to see him, let them come. "I have nothing but good words for Mr. Bryce or for any one." Bryce desired him to make a road through the people so that Bryce might approach upon his charger. "But some of my children might be hurt." "No; my horse is quiet." "I do not think it good that you should come on horseback among my children. If you wish to talk with me, come on foot." "The days of talking (replied Bryce) are over." "Since when did you find that out?" "Since this morning." "I have nothing more to say," replied Te Whiti. Bryce ordered Roberts to carry out his instructions. The arresting-party advanced. Tuke directed Newell to arrest Te Whiti. The Maoris made way for the constables, and the chief "quietly awaited their approach." Some sense of the different demeanour which would have been displayed by Bryce if he had changed places with his victim may have touched Colonel Roberts, for he called to the constables, "Let him walk if he will." "Te Whiti came away in a very dignified manner, his wife following closely. Tohu was arrested in a similar manner, and also Hiroki."<sup>1</sup> Te Whiti and

<sup>1</sup> It is unnecessary to connect Hiroki's story with Te Whiti in the text. Hiroki will be remembered as charged with killing McLean, a cook to a surveyor's party, and escaping from the pursuit of his countrymen and the police. It may be thought strange that as all the natives knew that Te Whiti would offer no resistance Hiroki remained at Parihaka to encounter

Tohu were allowed to speak to their people. The former said : "Be of good heart and patient. This day's work is not my doing. It comes from the heart of the Pakeha. On my fall the Pakeha builds his work : but be you steadfast in all that is peaceful." Tohu said : "Be not sad. Turn away the sorrowful heart from you. . . . Be not dismayed. Have no fear, but be steadfast." As they were led away, a woman sitting near the whare in which the Correspondent was concealed expressed sorrow, but another replied : "Why are you grieved ? Look, he is smiling as he walks away with the Pakehas." While still within hearing he turned round and said, in tones which reached all : "Let your abiding be good in this place, oh, my tribe ! Works such as these will be finished this day." The desire of the chiefs not to be herded with Hiroki was regarded ; and, while he walked handcuffed, they rode in a vehicle to Pungarehu. The manner in which that which the greatest of Englishmen calls "the angel of the world" impressed Te Whiti's captors may be gathered from a telegram sent to an Auckland newspaper on the 9th November. "I saw the prophet this morning. He appeared comfortable and unconcerned. His influence seems to be felt by all who approach him ; and the roughest men say, with curious unanimity, that he is a gentleman."

The Maoris looked very disconsolate surrounded by the troops after Te Whiti's removal. The capture having been effected, Mr. Bryce allowed reporters to appear. The Correspondent's coadjutor being one of them, and being informed by a native of his friend's hiding-place, conveyed thither an intimation that he might appear. "Shortly afterwards we emerged, and if anything connected with one of the saddest and most shameful spectacles I have witnessed could be ludicrous, it was (wrote the watcher) the expression on

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Bryce and his army. When the constable approached Hiroki the latter folded his arms. The constable, apprehensive of concealed weapons, ordered Hiroki to hold up his hands. Hiroki did so, and was handcuffed and searched. Nothing was found upon him. A few days after his capture he was seen playing draughts with his guardian, one of the armed constabulary, and "winning with ease." Hiroki was convicted and hanged in 1882, and it was circulated abroad that he confessed to the murder. Whether his confession was trustworthy or not, it was not murder that he admitted. "McLean fired at me with a gun . . . I caught his gun and pulled it away from him . . . (he) ran away and I fired at him (and) killed him."



the faces of the authorities when they saw that their grand scheme for preventing the colony from knowing what was done in the name of the Queen at Parihaka had been completely frustrated. Not an action escaped observation; not an order given was unheard or unrecorded. . . . The kindness of the Parihaka people to me was great, and their satisfaction at knowing that the proceedings would be recorded, very marked."<sup>1</sup> Bryce congratulated his army on their "victory."

The subsequent proceedings may be briefly told. Notices calling on the Maoris to abandon Parihaka, return to their native places, and await Bryce's orders, were posted up. The Maoris remained. They were heard to express their hope that at last Te Whiti would be able to raise in the Supreme Court the question of the validity of the extrusion of the Maoris from the lands guaranteed to them. They told a reporter that they knew that Bryce wished them to strike the first blow, but Te Whiti commanded that whatever indignity might be offered they were "not even to lift their hands." On the 8th, Bryce, with the obedient Hursthouse, called on the Wanganui and Ngarauru people to return to their homes, in order that Parihaka might "be cleared for the people who own it by ancestral title." The Maoris, knowing the worth of his words, "took not the slightest notice of the speech." "Go away, all of you (he cried); pack up your things; leave this place." They heeded him not: and the next act in the tragedy began.

The kidnapping of Te Whiti was to be followed by a larceny which was only not petty because it was enacted in the name of the colony and against a whole village, by a Minister profaning the authority of the Queen. The troops proceeded to rob the houses. Fowlingpieces, tomahawks, and axes were piled at the feet of the conquering Bryce. Profound silence was maintained by the Maoris while the army obeyed its director. In Tohu's whare a cupboard was broken open to search for gunpowder, but none was found. If the callous Bryce had been capable of generous feeling a

<sup>1</sup> The accuracy of the Correspondent's report was indirectly vouched by one of the officers. Major Tuke objected to a phrase imputed to himself: "If any Maori flashes a tomahawk shoot him on the spot." He said that his words were: "If any man uses a tomahawk, use your revolver." "This is the only exception taken to the correctness of my report," the Correspondent was able to say (17th November).

Maori woman would have aroused it. In a whare, already rifled by the troops, she found a watch, and thinking that one of the army might have lost it, handed it to an officer, but no military owner claimed it. Before noon every dwelling had been pillaged. Some green-stone meres which were seized, were permitted by Bryce to be replaced. Other articles were retained by constabulary thieves who could see no distinction between what Bryce did and what he affected to condemn. So contagious is example when ill-doers are in power. Arson was the next step in the procedure; but just as the men were about to set fire to Maori dwellings a communication from head-quarters arrested the movement, and Bryce and Rolleston returned to Pungarehu. There, with Atkinson, they plied the electric wire with messages to their colleagues in Wellington. Many telegrams were unrevealed, but the Blue-book [C. 3382] contains some which deserve to be quoted. Bryce said to Hall (11th Nov.): "I never intended to burn, though I have thought, and think, that it may be necessary to destroy every whare in the village if the Maoris hold out. It would be very difficult to distinguish between the whares of the different tribes. . . . Then again we are told that the Wanganui, &c. should be ordered to their homes. Well, I have ordered them to their homes emphatically enough, and apparently I might as well have called from the vasty deep. Then, as for their apprehension and selection into tribes, people seem to think that each one has the name of his tribe written on his forehead." (He wanted to arrest a chief) "and there was not a man in camp could identify him. If there is difficulty in such a case as that, consider what it must be with the 2000 men, women, and children, who are nobodies. I am pointing out these difficulties . . . that you may consider them when you may hear of my doing things which do not altogether recommend themselves to your mind. I may be forced into a choice of objectionable courses. . . . Moreover, it is extremely probable that wives would be separated from their husbands, children from parents, and so on. Notwithstanding these difficulties this thing has to be settled, and I am confident I can do it if I am not stopped. That the manner in which I do it will be free from objections is more than I can promise, and I hope that you and my colleagues will put the most favourable

construction on things." On the 12th, Bryce told Rolleston: "I have great difficulty in selecting them." On the 14th: "A great difficulty now remains, for it is impossible to identify women and children as we have done the men, and they, like the men, remain impassible. . . . We have pulled down the whole of the Wanganui quarters. . . . I ascertained with *considerable certainty* that the whole of the huts destroyed belonged to the Wanganuis. (15th November) There is more difficulty in identifying women than men. It was a curious scene. We brought out into rows about 650 women, and three or four hundred children, and then proceeded to separate them. (18th November) Have taken nearly 400 prisoners in all to-day . . . I am going to mark the empty whares to-night at midnight for destruction. (19th November) We have now sent away over 1200 Maoris. (20th November) I intend to pull down a number of whares around the marae to-morrow. (21st November) Pulled down some whares this afternoon, amongst the rest the sacred medicine-house, where people had to take off their shoes before entering. (22nd November) Should additional difficulty arise from want of food, I propose to give the dispersed men road work at low wages; but I will carefully avoid all pampering." The last sentence was very needless; but offensive as it is, it must be recorded, so that men may know how Maoris, who had been guaranteed all rights of British subjects, were defrauded of them in 1882, by a man whom his colleagues did not check when even his own dull sense warned him that he was doing wrong.

The press with few exceptions supported the action of the Ministry, and denounced the assertion by the Governor of "exploded" powers, or those which, "whether supported by precedent or authority were inimical to the constitutional practice of the day."<sup>1</sup> Nevertheless, a Wanganui newspaper which applauded the Ministry for terminating the "miserable state of vacillation and weakness" which had existed for two years, paid a tribute to the captive. "It is one of the remarkable qualities of Te Whiti that he has risen above the vices of his people, and has obtained his influence by a moral ascendancy as conspicuous as anything in the lives of the greatest men. We cannot therefore offer our congratulations on the removal of a

<sup>1</sup> 'The Yeoman,' 12th Nov. 1881.



standing menace to the peace of the colony without a regret that the order and cleanliness and sobriety which Te Whiti has established at Parihaka should be impaired by the destruction of the "mana" of the chief who has accomplished such reforms." Yet the writer not only justified what had been done, but suggested methods of completing the work. Te Whiti and Tobu, "if guilty at all," were only "guilty of a political offence," and if there were difficulties in trying them, "the procedure of our Courts allows a wide latitude in dealing with offences of this kind." The prisoners might be committed, bail might be refused, the first sittings might be "inconveniently early," trial might be postponed until the meeting of Parliament, when "a Detention Bill could be passed;" so that "if the Government desire to keep their august prisoners in custody they can easily do so, Habeas Corpus and the Bill of Rights notwithstanding." So hardened had the conscience of the colonists become, that these admissions and proposals excited no public shame or condemnation. They emanated indeed from a comparatively moderate newspaper. There were other monitors who vainly warned their readers that not a victory but shame was the guerdon won. The 'Echo' ridiculed the folly of reading the Riot Act to a "quiet, peaceable, orderly" assemblage, composed in great part of women and children seated in their own village. . . . "We have searched through the New Zealand statutes and are unable to find any Act whose provisions Te Whiti has violated. He has done nothing; remained in his own village preaching peace. None of the special offences created by the West Coast Settlement Act of 1880 has Te Whiti committed. . . . Justice demands that his offence be named. What is it? To the last he has preached peace. Is this an offence? By his quietness . . . he has shown a noble spirit. Before his accusers he was dumb. When his followers would have raised their swords in his defence, he told them to put them up. He goes quietly with those who arrest him. Could the most civilized act more nobly than he has done? What we dread is that his followers . . . not now constrained by his preaching of peace, may by guerilla warfare avenge the arrest of their leaders. Let us trust that Te Whiti's influence will be sufficiently strong and abiding to prevent such a sad outbreak." The 'Lyttelton

Times' (17th November) vigorously arraigned the Government for their "blundering and plundering at Parihaka." "The error throughout was to ignore the Supreme Court, which Te Whiti evidently has all along wished to try his case. He knew that once before that Court the whole question of confiscation must be raised, and that he could, if he wished, appeal against an adverse decision on points of law to the Judicial Committee of the Privy Council. He has tried by peaceful means to bring the question before the Supreme Court, and he has been persistently baffled by the perversity of the Government, who believe more in Royal Commissioners and big battalions than in high and independent Courts of Law. . . . What hollow hypocrisy it must sound in Te Whiti's ear to hear the ministerial parrot-cry of the rule of law, when resort to the highest and purest source of law and justice is studiously forbidden to him. . . . Mr. Bryce appears to have little knowledge of, and less regard for, the fundamental principles of law and justice. Probably like most half-educated men he has that smattering of information which makes him think he ought to be a law unto himself. . . . His nature is narrow, obstinate, and autocratic. He has seen somewhere, or been told, . . . that the reading of the Riot Act to a riotous mob is necessary before recourse can be had by the civil power to the use of arms. He fancies therefore that the reading of the Act to an orderly assemblage of unarmed natives, men, women, and children, sitting quietly in their own village, is tantamount to a proclamation of martial law, and to his forthwith becoming an irresponsible dictator. . . . We were lately told by a contemporary . . . that about 2000 natives at Parihaka, though not arrested, tried, or convicted, were actually in prison, and in the armed custody of Mr. Bryce and his myrmidons. What law, we ask, has made Mr. Bryce the controller of human liberties and lives? What right, human or divine, has he to imprison, to break into houses, and take away other men's goods? He has no more lawful power to do these things at Parihaka than he has at Christchurch. . . . And then we are told that the Colonial Treasurer (Major Atkinson) was foremost in breaking into a hut in a native village far away from Parihaka, for the purpose of seizing arms and ammunition. Under what law was that seizure made? . . . We look with

horror at this wholesale eviction which has been threatened, and which has already commenced. The thought arises . . . whether our own parlour fires will burn the blither for the smoking hearths which we quench, or our own roof-trees stand the faster for the thatch which we rive off cottar-homes. There is one hope, that if Te Whiti in that 'due course of law' to which the magistrate referred him is tried in the Supreme Court and is properly defended, his whole case may be thoroughly sifted, and an opportunity given for the vindication of law in spite of Mr. Bryce and Major Atkinson. But one necessary condition to that end is a change of *venue* in the trial from New Plymouth. . . . Another condition is that the counsel should be one of colonial eminence. . . . Every provocation has been given to the natives. The absence of bloodshed is owing to the very remarkable restraint—unparalleled, we believe—which, at the bidding of Te Whiti, they have exercised on themselves in most exceptional and aggravating circumstances. It is fortunate for the good name and for the welfare of the colony, that the selfish and aggressive instincts of Messrs. Bryce and Atkinson have been for a time at least over-ruled by Te Whiti's higher and nobler qualities." In another article (9th November), the editor, animadverting on the manner in which the Prendergast proclamation had been procured, said: "The low cunning characteristic of the whole proceeding leads us to suppose that its conception must have originated in the mind of the Attorney-General (Whitaker)."

The reader may judge from the past how far the manly words of the 'Lyttelton Times' would be allowed to weigh on the minds of the Ministry or their supporters. The rapine at Parihaka was extended to the neighbouring districts. Bryce declared (in December) at a banquet given in his honour that he was sure that there had been the utmost danger of war; and it must be admitted that he did his utmost to test the power of self-restraint among the Maoris. After the unexplained pause on the 8th, and the consequent deliberations, operations were resumed on the 10th November. Supported by armed constabulary, Bryce proudly arrested the unarmed Titokowaru, who had not resided at Parihaka, did not belong to Te Whiti's tribe, and had had frequent friendly interviews with Sheehan,



Bryce, and Rolleston as Native Ministers. Guns and ammunition were seized in every village on the plains. At the head of a separate army, Atkinson attacked Taikatu, said to have been in former years a stronghold of Titokowaru. Atkinson was "the first to enter" in 1881, but the humiliation was on the side of the invading cavalry rather than on that of the Maoris, for it was telegraphed that "only a few old women were found in the pah." Hone Pihama,—the chief who once broke through General Cameron's lines, but had for many years been friendly—who was often consulted by Donald McLean, Sheehan, Bryce, and Rolleston—who was selected to accompany Captain Knollys as an envoy from the Governor,—was pillaged in common with his countrymen, although he was exerting himself at Parihaka to induce the Maoris to depart in peace. A correspondent telegraphed triumphantly to an Auckland newspaper that the "disarming was taking all the conceited bombast out of the Maoris. Major Atkinson has been at Manaia all this week so as to be ready for any emergency." Bryce captured the unresisting and sent them away. Old Mete Kingi assisted in identifying his people from Wanganui, but it was piteously pleaded for the Government ('New Zealand Herald,' 12th Nov., and in other places) that "the difficulty of identification is beginning to be felt, and will ere long compel a stoppage of arrests, unless these are to be made 'in bulk.'" Such indiscriminate arrests were indeed in keeping with other parts of Bryce's conduct. He had as little right to arrest Te Whiti as any of the women and children whom he tore from their homes. Wholesale kidnapping and transportation were fit corollaries to wholesale robbery and arson. Bryce telegraphed to Rolleston (21st November), that the total number of Maoris "brought up" was 2200. Titokowaru was handcuffed and placed in solitary confinement. "I saw him (it was telegraphed, 20th November) crouching handcuffed like a large dog in a low whare like a kennel. He is said to have refused food a long time." Though not a cannibal Bryce could rival Rau-paraha in the torture of an old enemy. No one asked on what ground Titokowaru was arrested. An Auckland newspaper doubted not that the Government had "a specially good case" against "the truculent savage," whom "Mr. Bryce will

have to take care that he keeps." There were said to be several charges which could be brought against Titokowaru, "taking up arms against the Queen, murder, sedition, and other minor offences." It was added that "the old warrior," after obstinately refusing food for some days, "gave in" on the 21st November. "He will be sent to New Plymouth, where it will be asked that he be bound over to keep the peace. Heavy bail will be asked for, and in the event of his finding sureties and being released he will again be arrested and other offences, it is understood, will then be preferred against him."

Thus confidently was it assumed that Mr. Bryce would dispense with law. What he did may be mentioned. Titokowaru was charged on the 25th November with having, on the 12th October, in reply to similar rough banter from Europeans, threatened to burn down a hotel at Manaia. The innkeeper testified that he asked Titokowaru why he had thus threatened, and was told at once that it was only rough banter in reply to rough banter, and that far from there being cause for fear, Titokowaru would himself give warning if any danger should be imminent. Mr. Rolleston himself admitted that it was doubtful whether Titokowaru was in earnest or was sober when he spoke, but in any case thought the words alarming. To give weight to the charge founded on the occurrence in October, one of Mr. Bryce's army swore that after the old man's arrest he pointed scornfully to the guards placed over him, and said: "Are these the children who can take charge of us? Has the Pakeha forgotten Te Ngutu-o-te-manu and Moturoa? This is your day. Mine is to come. Do you suppose that the Pakehas are a noble race?" The Bench ordered the old man to find two sureties of £500 (each) to keep the peace for twelve months, and to be kept in gaol until he could find bail. "On the whole (a newspaper said) it is no bad thing for Titokowaru that he is safe in gaol for a bit, but the Government have certainly got him incarcerated on a plea that would have been held flimsy in the case of any ordinary man."<sup>1</sup> The mockery of the

<sup>1</sup> When Titokowaru was put before the court he pleaded guilty. The magistrates proceeded to hear evidence. He asked the interpreter why evidence should be taken to prove what he did not deny. *Int.*—"The magistrates won't allow you to plead guilty. They say you plead not

pretence that Titokowaru was dealt with by law must have been represented to Bryce's more artful colleagues, for on the 13th December he was charged with having wilfully obstructed the informer Hursthouse, by refusing to leave Parihaka when requested to do so. The magistrates committed him for trial.

Two circumstances demand brief mention here. Assured of public support, the Ministry procured a dissolution on the 8th November, with a view to immediate elections. On the same day, from that serener air whence the voice of justice had often been heard in New Zealand, Mr. Justice Gillies, addressing the Grand Jury at Taranaki, warned them that lawless violence ill became a Government. He would be wanting in his duty (he is reported to have said) if he did not allude "to the position of the district in which large bodies of armed men were assembled on active service, and he took leave to remind them of the constitutional principle that the employment of an armed force was only justifiable either under the authority of Parliament in repelling armed aggression, or in aid of the civil arm of the law when that arm had proved powerless to enforce the law's mandates. In any other case the use of armed force was illegal, and a menace to, if not an outrage upon, the liberties of the people." The 'Lyttelton Times' cited his opinion as confirming its own contention, but Mr. Bryce continued in his lawless course. Another public man took occasion to extol it. Mr. Ormond, who will be remembered in connection with Henare Tomoana and the Heretaunga block, informed the electors at Waipawa that though he did "not agree with the Government on many points," it was his duty to give "a hearty absolute support" to their policy at Parihaka, "so that the native difficulty might be ended once and for ever." It is satisfactory to know that Mr. Ormond was defeated. The

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guilty." "Kapai, good." He rose to wrap his mantle round him and depart. *Int.*—"You must not go. They are going to try you." "What do they want to try me for if they say I am not guilty?" *Int.*—"But you might be guilty after all." "Well, so I said at first and they said I was not." *Int.*—"Exactly." *The Bench.*—"Tell him we have written in the big book that he is not guilty." *Titokowaru.*—"That is untrue. I said I was guilty." *The Bench.*—"Call the first witness." The prisoner (with an air of puzzled resignation and contempt): "I always thought the Pakehas were accursed fools."



'Lyttelton Times' did not refrain from characterizing his speech as it deserved. A former Native Minister, Mr. J. C. Richmond, published on the 3rd November an elaborate defence of the Government, based on subtle misrepresentations of facts with regard to the Waitara war. He it was who offered rewards for Maori heads, and satisfied Earl Granville's feeble scruples by his justification of what he had done. He now declared that "a swift and crushing blow" ought to be struck at Parihaka, and in the same breath had the effrontery to aver that the colony was free from blood-guiltiness, and that no barbarous race had ever met with such liberal usage as had been extended to the Maoris. The 'Lyttelton Times' republished his letter on the 12th November, with an article demolishing his conclusions and stating that his "utter failure to make a colourable show of justification" proved that justification was impossible. Able correspondents strove to awaken the national conscience but in vain. On the 12th November, Te Whiti and Tohu were delivered to the custody of the gaoler and brought before the magistrates at Taranaki, charged with using language likely to disturb the peace of the district. C. W. Hursthouse, a licensed interpreter, was the informant against them. He gave a warlike colouring to the speech made by Te Whiti on the 17th September. When the case was resumed on the 14th November, Mr. Parris went upon the Bench. Te Whiti asked Hursthouse: "Have the 25,000 acres reserved by the Government for the use of the natives ever been shown to them?" and the answer was: "Not that I know of." Asked by one of the Crown prosecutors if he could swear to certain expressions in the information, Hursthouse (being, as he was reminded, the informer) replied: "There are expressions in the information which I cannot swear that I heard myself. I got them from other gentlemen who were present." Mr. F. A. Carrington was on the Bench. His brother, W. Carrington, a licensed interpreter and Captain in the New Zealand Militia, appeared as a witness. He swore that he had taken the Prendergast proclamation to Te Whiti. Parris put questions to him, which must be recorded accurately as a proof of the iniquity which the Government practised and the public permitted. "Do you remember you went up with me when I went up to Parihaka to explain to Te Whiti about the land?"

—“Yes.” “After I commenced to speak to him what did he say?”—“He said dogs did not come out hunting pigs without their masters. He then gave a signal to break up the meeting, and refused to allow you to explain the nature of the reserves to the natives.” “Were you not supplied with a plan showing the land that had been reserved for the natives, and were you not instructed to show the boundaries to the natives?”—“Certainly not.” “Remember you are on your oath.”—“I know that. You need not remind me of it.” *Parris*.—“A plan was made out by Mr. Humphries, the Chief Surveyor, showing the reserves, and given to you.” *Carrington*.—“I received a plan of the reserves, but it was given me for the purpose of finding what natives were cultivating portions of the land coloured on the plan, and I did so. I did not understand that I was to point out the boundaries of the reserves to the natives, or I should have done so.” “Have the 25,000 acres ever been defined or pointed out?”—“Not that I know of.” “Were you not aware by the map that a portion of land seaward of Pungarehu was reserved for the natives?”—“I understood that without the map.” “And yet you never explained?”—“Certainly not.” *Parris*.—“Well, I recollect giving you those instructions myself.” *Carrington*.—“I never was told to point out the boundaries to the natives. It was altogether out of my line.” Te Whiti asked Carrington: “Did I not tell you not to write down what I said at the meeting because you did not understand me?” and the reply was: “I remember you telling me not to write down your speech. . . . I did not come over in the evening to hear the speeches.”

Another licensed interpreter gave evidence and the Court was adjourned. On the following morning Te Whiti was told that he might speak. He replied that he had little to say about the land. It was urged that the whole of it belonged to the Government, and the Maoris were trespassers upon it. “We have dwelt upon it ever since the war was ended. We have cultivated it. We did not plant it with crops in order to cause quarrels. We planted it in order to derive subsistence from it. It is not my wish that evil should befall Pakeha or Maori. I desire that all of us should live happily upon the land. Up to the present time I have never sought to injure or to kill any one,

My only wish is that all of us should live happily and peacefully on the land. Such is the manner in which I have ever addressed the Maori people. I have no more to say."

The convenient Bench said to Te Whiti: "You are committed to the common gaol of New Plymouth (Taranaki), there to be safely kept until you shall be thence delivered by due course of law."<sup>1</sup> Tohu was then arraigned. An interpreter, having given evidence as to words used by Tohu on the 17th September, was asked by the chief: "Were you at the meeting on the evening of the 17th?" and was constrained to admit that he was not. "Do you perfectly understand what land I alluded to?" "I understood it was the confiscated land." Tohu was of course committed to gaol. The faithful sentinel of justice, the 'Lyttelton Times,' was swift to point out the indecency of Parris' behaviour in contradicting from the Bench the sworn testimony of a witness. Magistrate, prosecutor, and unsworn witness, he had attempted to brow-beat a witness in the box. Whether Parris had or had not issued instructions, the natives had not been informed of the reserves pretended to have been marked out for them. "It is again the old, old story. . . . Government informs the public that for two years the natives have persistently refused the reserves pointed out to them. And it turns out that no reserves have ever been pointed out to them." But exposure was lost upon Mr. Bryce. Day by day the Maoris were removed. Four hundred and eight were escorted into New Plymouth on the 18th November. The difficulty of identifying the members of the different tribes was roughly surmounted as described in Bryce's telegrams already cited; but with strange patience the victims obeyed Te Whiti's injunctions that they should be peaceful. "The process is (said Mr. Hamilton) strangely like drafting sheep. To-day the Wanganui ewes were culled. All the women in the village were assembled outside, and made to pass back again one by one." Mr. Hamilton reported to the 'Lyttelton Times' that, fired by the example of Bryce in robbing the Maoris, the constabulary when searching for articles required by Bryce

<sup>1</sup> The reports of the Press Association are generally cited in the text. Even the committal was a sham, for finding nothing which they could lay to Te Whiti's charge, the Government passed a Bill to enable them to defraud him of a trial.



seized others for themselves. If their leader "gored the gentle bosom of peace with pillage and robbery," and made them instruments to wreak his purposes, it was little wonder that they should execute at random the villainy they were taught. Mr. Hamilton found an old man, Ramaka, trying to restore order in his whare. He was absent when the troops arrived. They "smashed the jambs and lintel of the door. . . . They took three fowling-pieces . . . the lock of his box was smashed and £2 were gone. He had never seen Te Whiti, had no sympathy with him, and would have given up his guns willingly had he been asked for them. Had his keys been asked for he would have given them up. . . . He had no money, or he would take the matter into Court." Epiha's whare was pillaged in like manner. Amongst ornaments stolen "was a heitiki of great value, an heirloom which had been handed down for generations in his family. The loss was reported . . . "suspicions being directed to one (person), an officer searched him at the hotel in the presence of Major Tuke, and the precious (ornament) was found on him." Other articles were not found, the officer having been refused permission to search the marauders "on their return while they were on the bridge." . . . The man unfortunate enough to be "found out was taken into town under arrest, and dismissed the corps."<sup>1</sup> The saddest case was that of Kukapo. He had fought for the Queen, and Governor Browne had presented a gun to him, which was to be an heirloom in the family. It was stolen by Bryce's myrmidons. Kukapo

<sup>1</sup> We are told that Bryce was "much annoyed at the conduct" of the two dismissed men, one of whom stole a banknote representing a petty fraction of the value of the goods stolen by Bryce's commands. He could swallow camels of popular sin, but choked at a gnat when public opinion might be expected to appreciate and condemn his too-apt pupils in pillage. "I am sorry to say (he telegraphed to Rolleston 20th November) that three cases of theft are reported in the search for arms yesterday and to-day by the Taranaki Mounted Rifles. One a Tiki neck ornament, greatly valued. . . . The two men who took the neck ornament and the £1 note have been dismissed from the volunteer force." The next day Bryce destroyed the "sacred medicine-place" of the tribe. His relations with the volunteers were not altogether friendly after they had done his work. He said (afterwards) of one corps, which required more pay, that their mercenary conduct disgraced the volunteer service throughout the colony; and they promptly (September, 1882) burnt him in effigy.

complained, but obtained "no satisfaction, and was quite in despair. He declared he must leave the country. . . . He had heard of a place where criminals were condemned to walk about with a corpse bound to their shoulders. When putrefaction set in, the flies conveyed the poison . . . and the criminal at last died a terrible death. Te Whiti had been bound on his shoulders by the Government, and he had to suffer for the deeds of another. He neither knew nor agreed with the Parihaka prophet." Well might Mr. Hamilton say, "the facts are eloquent enough of themselves," as he recounted these and similar exploits,—adding, "the cases I have investigated extended over but a tithe of the country traversed by the search party." His coadjutor heard from Motu's lips how he was robbed; how, without asking for keys, the constabulary broke open doors; how guns were collected; and how, when the robbers were about to depart, Motu said: "Stay, I have another gun, which you are leaving behind;" how he produced the Union Jack presented to him in former years and threw it at the officer's feet, saying, "You had better take that too." "This is the treatment" (Motu bitterly exclaimed to the Correspondent) "which I receive for my loyalty."

Such were the deeds which the Ministry were enabled by Prendergast to perpetrate, and of which they not unreasonably expected to obtain approval in New Zealand. "What, I ask" (wrote Mr. Stout, 5th December), "will the impartial future historian record against us as a race?" The shameless men of the day replied by entertaining Mr. Bryce at a banquet at Wanganui, where he boasted of his works, and "resumed his seat amidst deafening applause." Invigorated thus, he pursued his work of destruction. On the 27th December, we read that growing crops of potatoes, sweet potatoes, taro, and corn, were laid waste. "The constabulary are engaged in pulling up the potatoes . . . the armed constabulary have permission to take what they require. The natives view the destruction in silence. On being questioned they express regret that the potatoes were not left to ripen, when they would be of service to both races. . . . In face of all this the natives of Parihaka presented three bags of potatoes to the men yesterday (27th December)." Bryce, after his own fashion, rebuked such foolish chivalry by announcing that he would confiscate lands at Parihaka and

elsewhere as "a war indemnity, and a warning to abstain from agitation."

While these atrocities were being enacted in the name of the Queen of England, old Te Rangitake passed away, and even the malignity of the 'Taranaki Herald' seemed blunted by recollection of his past career. His friendly protection of the settlers at Wellington in 1843 was not recalled to mind, but his quiet and uneventful life in recent years contrasted with the "singular traits of character of the daring and intrepid warrior" of his youth; and his influence with his tribe, who to the last looked to him and obeyed his instructions implicitly, were recounted. Thus, twenty years after Mr. C. W. Richmond had reviled and under-rated him, his enemies bore witness to Te Rangitake's importance. If he had watched the events at Parihaka he must have reverted sadly in thought to the days when he likened the Maoris to the sea-birds forced by the rising tide to quit the rocks.<sup>1</sup> To such as Bryce he was but one more stumbling-block removed, and the Ministry well knew that a majority of the dwellers in New Zealand were, many of them without knowledge and without inquiry, at one with Bryce and Atkinson on the question of "extermination" of the Maori difficulty, most easily to be secured by the "extermination" of the Maori himself. The general election held in December justified the expectations of the Ministry. Mr. Rolleston, by thoroughly identifying himself with the atrocities at Parihaka, forfeited all claim to consideration which might have been otherwise extended to him. He commented on Mr. Stout's appeals for justice, and insolently said that the Government had "protected the Maoris from themselves." He asked the Bishop of Nelson (Dr. Suter) if he had said privately that the outrage at Parihaka was due to "political considerations, with a view to influence the elections."

<sup>1</sup> Teira, the instrument used by the Taranaki residents and Mr. Stafford's colleagues to coerce Governor Browne to make war in 1860, died in September, 1882. It was of little avail to his countrymen to know that he confessed his ill-deeds. "One of our reporters (said the 'New Zealand Herald,' 20th September, 1882) interviewed him, and found him quite frank" in 1879 at Waitara. "He acknowledged that he had done wrong in insisting on the sale of Waitara in spite of Te Rangitake." After the exposure of the Compensation Court in 1866 (*vide* vol. ii. p. 249) it was useless for Teira to maintain the false and prompted story which deceived the Duke of Newcastle.



The Bishop promptly replied that the remarks complained of, whether made by himself or not, seemed "self-evident and harmless," but he protested against the Government's requiring of him, "or of any one, an account of private conversations. We might as well be in Russia at once." Opposition might be removed if Rolleston could make it clear that the intended reserves had been made known to Te Whiti, and if the Government would "allow the question of the legality of the confiscation to be tried by law," and would secure professional advice for Te Whiti, "so that his plea, not his alleged crime, may be gone into." The suggestion that a Maori's rights, under the treaty of Waitangi, should be scanned by the highest legal tribunals, was ever maddening to the band with which Mr. Rolleston had allied himself, and he replied that it was "unnecessary to take any steps to remove the opposition of one who has not thought it inconsistent with his sacred office to privately slander his neighbour, and impute to public men base motives in action, involving possibly the lives of large numbers of their fellow-creatures." He would publish the correspondence. The Bishop asked him to publish the whole of it, if any, and added: "If my opposition was worth noticing at all, would it not seem worth while to allay it by giving some utterance on the points referred to? Let the people judge whether your remarks on me are justifiable."<sup>1</sup> With Mr. Stout Mr. Rolleston was as unsuccessful as in his joust with the Bishop. Those who acquitted him of crime pitied his simplicity when he solemnly wrote that no member of the Ministry had been warned, on the 19th October, that the Governor's return was imminent. Mr. Stout, without casting doubt on Rolleston's veracity, asked why there was a hasty summons of an Executive Council, and why the Council

<sup>1</sup> The Bishop visited Europe early in 1882. He published comments upon the deceptive letter sent by Mr. J. C. Richmond to the 'Nelson Mail' in November. He would look "with the keenest interest to see what the Government will do with Te Whiti. His remarkable influence, his ability, his too flattering appreciation of the innate love of law and justice in Englishmen, his discernment of character and gentlemanly bearing in those with whom he converses, his reforms among his own people—all these remind me of what Prince Henry said with regard to Raleigh when a prisoner in the Tower: 'None but my father would keep such a bird in a cage.'" It was rumoured that Te Whiti, true to his resolution to expose injustice by endurance, refused to recognize employment of counsel on his behalf.

and various officials were compelled to labour in the night. The 'Lyttelton Times' bluntly affirmed "that Sir Arthur Gordon's return was hourly expected, and that the Government, or at all events its leading members, were aware that it was so, we do not hesitate to affirm." As it was the Governor's Secretary who on the 19th October warned Hall and Prendergast that the Governor's return was imminent, Mr. Rolleston's position was distressing. Mr. Stout asked him if he could plainly answer "whether any one in Government House told the Premier that the Governor might arrive at any moment, and were the printers employed the same evening to get out the proclamation." Convicted thus, Mr. Rolleston was nevertheless elected at Avon without opposition, and Bryce was equally triumphant at Waitotara."<sup>1</sup>

It will not be necessary to follow closely the fortunes of the elections. The success of some who advocated justice to the Maoris has been already noted. Mr. Montgomery at Akaroa, Mr. Turnbull at Timaru, Mr. White at Sydenham, Mr. Pearson at Ashley, and Mr. de Lautour at Mount Ida, proved that all constituencies in New Zealand were not subservient to Mr. Bryce. It is almost unnecessary to say that Taiaroa, who, when Whitaker's arts removed him from the Upper House, had been sneered at as unable to obtain a position in the Lower, was re-elected for the Southern Maori District without opposition. Sir William Fox and Mr. Ormond were rejected by narrow majorities. Sir G. O'Rorke's high-handed contempt of Parliamentary law did not forfeit the favour of the electors of Manukau; but his coadjutor, the Chairman of Committees, was beaten at Wairau. More than half of the House was composed of new men. Otago, though it had profited by Mr. Hall's distribution of seats, sent a large phalanx of members pledged to oppose him. His own provincial district, Canterbury, was supposed to be almost equally divided. The West Coast electors were true to their traditions. Major Atkinson, the reputed advocate of "extermination," was elected by a large majority at Egmont.

<sup>1</sup> Attending a meeting of electors in the Wanganui district, he was, as a non-elect, pronounced incompetent to interfere. He complained of the "unfair and indecent tactics" displayed towards him, and expressed his "disgust . . . at the steady deterioration of our political institutions."

A ministerialist was elected by a small majority over Mr. Ballance at Wanganui; but as Mr. Ballance never advocated justice to the Maoris, the votes given to him were not a protest against wrong. The Wellington district returned a large proportion of ministerialists. The opposition of Auckland was diminished. Sir G. Grey had few followers left. Some of his former friends were not ill-pleased that dread of his schemes and of the class-hatred he fomented would no longer furnish the Government with an irresistible plea for their retention of power. Neither the Opposition nor the Government could claim an absolute majority in the House. The confidence of the ministerialists was in the astuteness of their leader, who had come down from the Legislative Council, in 1879, to organize his party in the representative House when Major Atkinson proved incapable of doing so. Te Whero, Tawhai, and Tomoana were re-elected, in the North Island.

Various rumours had been circulated about the conduct of Sir Arthur Gordon. Mysterious hints and paragraphs condemned it as unconstitutional. Soon after the elections, he availed himself of an opportunity of removing (at Christchurch) erroneous impressions as to his views. A Governor had "a responsibility—sometimes a grave one—of ascertaining whether his Ministers for the time being do represent the feelings of Parliament, and whether that Parliament reflects the feelings of the country. But when once that is ascertained his course is clear—he has no alternative but to accept the advice which is tendered to him, whether it be advice with which he concurs, or from which in his own individual opinion he dissents." (Frequent elections rendered it comparatively easy to know the mind of the country and of Parliament, and diminished the responsibilities of a Governor), "and I hold that when once he has ascertained what I have pointed out, his duty, so long as he holds the office of Governor, is to act upon the advice tendered to him. In most cases, of course, he will really agree with his advisers; in others, where he is in doubt, he will probably conclude that, as better acquainted with the country, they have reason; but, even if he is clearly of opinion that they are wrong, it is his duty to accept their advice, no matter what his opinion of that advice may be; and even if it be in opposition



to his own views of what is just, equitable, and moral. Of course I say nothing of what the man may deem to touch his own conscience, or how far he may choose to go along with such courses—that is his affair, and he has his own remedy. But I say that the duty of a Governor, so long as he retains his office, is to comply with the advice tendered to him by those who enjoy the confidence of the Parliament and the people. And that responsibility—that duty, so long as I hold the office—be the time longer or shorter—it is my intention scrupulously to fulfil.” The Governor was cheered heartily while he spoke these words at a large banquet given by the Mayor; and, in the abstract, neither friend nor foe could differ from him, unless he would push his reasoning to the point that if his Ministers should urge him to sign a death-warrant for an untried man, it would be his duty to sign it. Yet was it to be borne in mind that the Queen had no sovereignty in the land except under the treaty of Waitangi, which imposed solemn duties upon the Crown—that neither Lord Stanley in 1843, nor Mr. Cardwell at a later date, would suffer it to be supposed that the Crown would shrink from doing those duties, and that it was only by means of unworthy acts of other Secretaries of State, and of local intrigues, that the Maori was remitted to the “tender mercies of the wicked.”

On the 3rd December, Sir A. Gordon wrote to Lord Kimberley [Blue-book, C. 3382, p. 268]: “Had I been in the colony I should have experienced great difficulty in complying with a recommendation to sign a proclamation (Prendergast’s) which appears to me to embody an injudicious policy, to contain disputable statements, and to announce an inequitable intention; and I should undoubtedly have endeavoured to ascertain whether the responsibility of advising me to refuse to do so would be assumed by any leading member of the Legislature. But I found the recommendation already made and already acted upon before my landing. The proclamation had been issued, and its contents circulated beyond recall. Whatever might have been the case before the issue of this proclamation, I am of opinion that no Government, which advised its cancellation and recall, after publication, could have looked for support from the country. Of this I am so confident that I conceive I should gravely misuse

my powers were I to call other advisers to my counsels merely to test the correctness of a fact which does not appear to admit of question. The Governor is undoubtedly free to refuse assent to the advice of his Ministers, if other Ministers will consent to accept the responsibility of his doing so; and if he has reasonable ground for belief that, in so doing, they will receive the support of Parliament. But if, as is the case in this instance, he sees no such prospect, and consequently abstains from seeking new advisers, he is constitutionally bound to give effect to the recommendations of those already in office, whatever his own opinion as to the morality or justice of the measures suggested by them. I have, therefore, felt it my duty to acquiesce in the course initiated by Ministers during my absence, and to assent without demur to the recommendations made by them in order to carry out the policy they have adopted. But, at the same time, it is only right that I should inform your Lordship that my personal views do not concur with those of my advisers, and that I perform what I deem to be a constitutional duty in opposition to my wishes, and contrary to my own judgment." There were passages in the same despatch which analyzed the contentions concerning the confiscated lands on the west coast, and informed the Secretary of State that "an overwhelming majority of the colonists" abetted the views of the Ministry. It was also stated that loss of life was hazarded by the raid at Parihaka, and that the avoidance of such a result, on which there had been no "right to count," was "due to the forbearance shown by Te Whiti himself, and to his influence over the minds of his followers."<sup>1</sup>

<sup>1</sup> On the 3rd December, the Governor wrote a separate despatch, which is instructive. On his return from Fiji the Ministry promised to explain the cause of their sudden action during his absence, and Mr. Rolleston furnished a memorandum on the 24th October. One paragraph declared that "a view has possessed Te Whiti's mind, viz. that the Imperial Government will interfere in his favour—a notion which, no doubt, has contributed largely to a postponement of a settlement of existing difficulties." On the 8th November, the Governor asked for evidence upon which such an opinion was formed, as he had seen no indication of the existence of such "a view" in any of Te Whiti's speeches. Mr. Rolleston found it so difficult to frame a reply that he put it off till the 18th December, and then based his statement upon "assurances for the most part verbal," made from time to time, which convinced him of the accuracy of his opinion. Tohu had once said:

Early in January, 1882, Tawhiao paid that visit to Auckland which he had been invited to make in the previous year. Travelling by the railway (16th January), he diverged to Orakei, where dwelt the genial Paora Tuhaere, the Ngatiwhatua chief, always loyal to the Queen and friendly to the colonists. The Mayor of Auckland and many leading citizens made arrangements for a public reception of the Maori king and his followers. Wahanui and Tamati Ngapora were among the visitors. Hemara Rerehau was with them also. He had been the friend of Dr. Hochstetter, the scientific traveller who visited New Zealand in the Austrian ship 'Novara' before the Waitara war was entered upon. He had gone to Vienna, and was honoured as the friend of Hochstetter. He adopted European manners, returned to his native country, and in the streets of Auckland was notable for his faultless European attire. Yet when Colonel Browne plunged the colony into war, Hemara, though conscious of the supremacy of European military arts and weapons, cast in his lot with his assaulted king. At Orakei the dandy of former days was seen in Maori attire, seated in the fashion of his forefathers. When crowds assembled to greet his arrival in Auckland, Tawhiao's address was brief: "Wait, ye people, till the warmth be felt. Matariki has ascended in its orbit."<sup>1</sup> A banquet was given in Auckland. The Mayor presided. Tawhiao and his friends, upstanding, thundered their applauses when the Queen's health was drunk. "The health, happiness, and prosperity of Tawhiao and his friends" was proposed with honours: "Hearken" (he replied), "all you administrators at Auckland for the good of the people—the Maori and the Pakeha. . . . I have but one thing to say. Great evils have existed in our country but I say let them be forgotten; let them be trampled under foot. This utterance of mine is righteous, and it is important. . . . Another sentiment which

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"A stranger shall take care of us." Mr. Rolleston regretted that absence in Canterbury had delayed his inconsequential reply; but there had been ample time to reply before he went to Canterbury, after returning from Parihaka.

<sup>1</sup> The Maoris regulated their planting by the position of Matariki, the Pleiades. So did others in the Indian seas. By the same constellation the Australian aborigines knew when summer was nigh.



I desire to dwell upon is love. How shall we narrow the principle of love, for its nature is to be expansive? . . .” Wahanui dwelt briefly on love and on trampling down past troubles: “Who is to carry out the friendly relations spoken of? Tawhiao’s visits are to enable us to meet one another in the broad daylight, the sun shining upon us, and dispersing all the evils known aforetime. Therefore it is well to drink his health to-night. . . . I regard you all this night with complacency, and I now say to you—permit not any evils to arise hereafter, but strive to administer affairs rightly for the good of all concerned.” Paora Tuhaere, after glancing at the new and peaceable prospects, proposed the health of Whitaker, the Attorney-General; and that ready and astute functionary had the effrontery, while morally begrimed by the desolation of Parihaka, to assert that he had “always felt a kindly feeling towards the native population.” He was “ever good at sudden commendations,” but under them was the nature which Shakespeare coupled with those of the persecuting Gardiner. His object was now “with wagging of his tongue” to win those to whom for a score of years he had been the bitterest foe. Brief months had elapsed since he had with regard to the Himatangi block protested in Parliament against paying to Maoris the rents which were their due.

Patara Te Tuhi, a counsellor of Tawhiao, was perhaps alive to the truth when he replied that it was good to see Tawhiao sitting beside “Mr. Whitaker, who was looked upon formerly as most objectionable.” Tawhiao might be trusted. “Should any disturbances occur, they would most probably be brought about by the Europeans.”

Te Wheoro, in proposing the health of the Mayor, referred to Whitaker’s professions, and wished that all the responsible Ministers “would express themselves in a similar way.” He recognized the special services of Major Mair in bringing about the relations which led to Tawhiao’s visit, and that gentleman responded that he had laboured for ten years to produce such a result. On another day Tawhiao visited Mangere where his father had lived, and Tamati Ngapora had officiated as a clergyman. As the spectators viewed the *cortège* (it is recorded that) “one man would give a blank stare, another would religiously

tug his forelock as a mark of respect for the king; some took off their hats; others broke out into a British cheer." The Maori church from which Sir G. Grey had driven Ngapora in 1863, and the native burial-place were not visited, because a tangi, or wailing, would then have been necessary. One Mr. Macrae entertained the party, and children presented flowers to Tawhiao. Thence the visitors travelled to Remuera, where in 1844 the then powerful Waikato tribe assembled in thousands to impress upon the English their power and importance. There were many entertainments. At Remuera the Mayor banqueted 200 guests. On his right was Tawhiao; on his left the commander<sup>1</sup> of a German man-of-war. Again there were friendly speeches, and Tawhiao invited all present to a meeting at Kopua in March.

Mr. Firth, the former client of Waharoa the king-maker, entertained the Maoris at his house near Maungawhau (Mount Eden). He concluded an oration by asking the Almighty "to soften our hearts, to smooth our difficulties, to make this peace a lasting—an everlasting peace." Tawhiao, after hinting that perhaps he might be despised on account of his complexion (at which the Europeans shouted Kahore, no), urged all "to be resolute in upholding what was good." At a sumptuous entertainment given by Mr. Firth, Wahanui, clothed in Maori garb, declared, "... no messenger was sent to bring us hither. The overflowing of our own hearts brought us. That is the basis on which we came" (aroha, a word of wider meaning than the conventional translation)—"love. . . . I attribute to God himself the bringing about of a peaceful solution of our difficulties. . . . This peace-making has not been originated to-day. It was long ago thought of. Where are we to place that which is good, or how shall it be recorded? In my opinion this peace and good-will should be in the breasts of human beings themselves. The seed should be sown in our own hearts, that we may confess that there truly is a God in heaven. If we follow not our good intentions and professions, then I should come to the conclusion that there is no God in heaven. But we all know—both men, women, and children—that truly there is a God in heaven. . . ."

<sup>1</sup> Captain Kuhn was of larger stature than most men; and it was said that Wahanui contemplated him carefully before coming to the conclusion that the Maori was not surpassed by the German.

Then rose the good Archdeacon Maunsell, who raised his voice against the nefarious Instructions of Earl Grey in 1846. Recognized and welcomed by the Maoris with clapping of hands, he spoke in their own language. Dr. Campbell, a colonist of 40 years' standing, spoke through an interpreter, and the Maoris may perhaps have believed him when he said that in the dark days of war "the Imperial Government dragged the settlers into its quarrels." He spoke more truly when he recalled the fact that even in war-time the Maori set a noble "example worthy to be followed by the most civilized nations." With "abiding faith in the chivalry of the Maori," the speaker had, during the war with Heke, walked unmolested through the hostile country from Paihia to Hokianga. Te Tuhi, a "man of few words," commended the good feeling which made the Pakeha and the Maori sit at one table, and Paora Tuhaere, declaring that for ten years he had laboured by visits to Waikato to bring about reconciliation, entreated the Europeans to "take care of the good. Go gently to work that both sides may have things properly adjusted. Now, take your meal at the same table with Tawhiao himself." Mr. Firth's hospitality feasted 200 persons. How Tawhiao subsequently inspected the German war-ship and other places was chronicled in the newspapers of the day. By invitation he went to a Maori settlement at Kaipara. In an address presented to him at Kaipara by the Ngatiwhatua, he was styled king Tawhiao. He was invited with his people to the house prepared for them from the beginning. "Righteousness, peace, and truth have kissed each other. God save king Tawhiao." A Maori song of welcome followed. An address presented to Major Mair said: "... It was right that you should come together with our child, king Tawhiao, because he was far away, but has now come near us; he was lost and is found. Welcome! bring prosperity, peace, and love to the two people dwelling in this island. God save the Queen." While these festivities were promoted by the people, and no man took exception to the use of the name of King, concerning which public men had once been so jealous, the Auckland newspaper, which had urged that, however pacific his intentions might be, Te Whiti was a "nuisance, and it was lawful and just to suppress him," declared that Tawhiao ought to be entertained as a "most distinguished and important visitor,



whose advent here necessarily means more than the coming even of a member of the royal family of England." The more consistent 'Lyttelton Times,' "far from saying that either ought to have been arrested," pointed out that if violence was justifiable at all, it was against Tawhiao rather than Te Whiti. "Abroad, men will be astonished to learn that the rebel who had no palliation was let alone, and the loyal native who had a substantial grievance was suppressed by force. . . . He who ought to have been let alone is in prison. The other is making a triumphant regal progress. Mayors fall down before him; Government officers ride in carriages by his side; populations form processions in his honour. Ministers of the Crown go as far as post-prandial orations in his welcome. . . . We deduce of course not that Tawhiao ought not to have been let alone, but that Te Whiti and W. K. Matakatea and others ought to have been let alone too. (Success with Tawhiao was) one of the strongest condemnations of the treatment of Te Whiti. . . . There was a clamour of Europeans round Te Whiti, and not round Tawhiao. The difference is not a hopeful sign for Tawhiao. When he lets settlement into his country he will not be let severely alone any longer. The severity will then be of a different sort." Such were the circumstances of Tawhiao's visit, and such the comments of a writer who could draw from the dreary past a correct estimate of the future. Under advice of his counsellors Tawhiao exercised some caution. A reporter failed to extract his opinions and those of Wahanui as to the morality of the crossing of the Maungatawhiri in 1863. "Standing on Mr. Firth's lawn" (said Wahanui), "I announced—you were there and heard me—that I was desirous that all those old controversies should be buried. I have my own opinions about them, but if I (discussed them with you) people would say, 'Here is this man, Wahanui, after saying he would bury all those old subjects of dispute, dragging them all up again to the light of day.'" The reporter pleaded that "he wanted the statement not to cause controversy, but simply as history. But Wahanui refused to move, while Tawhiao smoked his pipe and said nothing."

The editor of the 'New Zealand Herald,' whose reporter had failed to pluck from Wahanui his opinions, wrote (30th January): "It was remarkable how well the Maori king carried himself;

how he said just so much as he meant to say and no more. He urged amity and just dealing and forgetfulness of past evils, but he gave not one tittle of a promise, said nothing that could compromise him and lead to difficulties." "Should permission to construct a railway be granted by the king, the money will be forthcoming. . . . (There was a wish to create) in the king's mind a firm belief that there is no other desire than to treat him in a straightforward and honest manner. . . . All looks well for the colony . . . and the brightest circumstance of all is the visit of the Maori king, with the prospect it offers of the utilization of the king country under conditions of the Maoris' own imposing."

Such was ever the deferential tone in which Maoris were urged to confide in the colonists, and if not before, in the year 1881 the Maoris ought to have found how far the professions made to them would be honoured by observance. One sinister omen might be observed,—that though Tawhiao's announcements were those of his advisers, his own demeanour indicated that the rumours of his dissipated habits in former years were not unfounded. Before he went home the demure Premier plied his persuasions upon him. Major Mair interpreted. Mr. Hall did not wish to "interfere with him and his people so long as they wished to remain living by themselves. The Government thought the natives were the best judges of what in that respect suited them. . . . But they accepted the hand held out in so friendly a manner. They wished . . . to work with Tawhiao in promoting the welfare of his followers. There could be only one Sovereign in the country, and they all, both Maoris and Europeans, lived under the shadow of her law." He said this as blandly as though he had not been mainly responsible for the breach of all law at Parihaka. Mr. Hall spoke in general terms. "The Native Minister would discuss more in detail." The Maori, with a coolness which the politest courtier might have envied, asked 'Who is the Native Minister?' and the Premier told him 'Mr. Bryce'—whose by-name among the Maoris had long been 'Kohuru.'

Tawhiao expressed his satisfaction with Hall's statements. "I belong to a different race from yours, and you must not be surprised if some of my ideas do not agree exactly with those of the Pakeha. I am of dusky skin, and some allowance must on

that account be made for me. My thoughts may be dark perhaps compared with the white man's, simply from the absence of knowledge. . . . I hope that in your intercourse with my people you will not be influenced by what others of my race will say, but by what I say. When I point in one direction, in that direction I will go. I shall not say one thing and do another. When I indicate a certain policy, even if it be not followed at once, I bear in mind our ancient proverb—'Wait, the time will not be long.' . . . At the meeting in March I would like to see as many leading Europeans as possible. I will invite the members of the Government. . . . Whatever is my word at that meeting it will come straight from my heart; it will be sincere. I hope then that some solution of the trouble will be arrived at." Hall reciprocated Tawhiao's satisfaction with what he had heard. When the formal interview terminated, Mr. Hall said that "if the Government had a spare piece" of land they would "probably meet Tawhiao's wish" to reside occasionally at Kaipara, and sounded Tawhiao as to the conduct of Te Whiti and Tohu whom Hall had recently "seen in gaol at Taranaki." Tawhiao replied that "he had kept himself aloof, and did not recognize Te Whiti or his people in any way."

An Auckland newspaper<sup>1</sup> declared the interview to be "one of the most important events that has taken place in the colony for many years . . . the evil of the past stamped out, and peace and goodwill before us." With inconsistency inexplicable to those who have not traced the past of New Zealand, it confessed that "the Maoris have had some reason for distrusting the Pakehas," and in the next sentence declared that Bryce was the representative of "a fixed policy of inflexible justice and the utmost consideration in dealing with the natives." Yet its own columns had recorded the ravages at Parihaka—its own correspondent had written as he looked at the hearths desolated by the robbers whose thefts he described,—“any one must needs pity the hospitable and brave people whose last great settlement has been so ruthlessly broken up.” Mr. Hall's visit to Auckland was followed by one from Mr. Bryce, who was entertained by Rewi at Kihikihi, and with him met Hall and Whitaker at Hamilton on the 23rd February. Mr. Bryce is reported to

<sup>1</sup> 'New Zealand Herald,' 1st February, 1882.



have said to Rewi: "I speak as the representative of Her Majesty the Queen." Affairs connected with Tawhiao's territory were discussed, but no conclusion was arrived at, and it was understood that at his meeting in May something might be arranged. Other members of the Ministry visited Auckland, where Mr. Bryce aroused some discontent by a proposal to remove the Native Lands Office from the ancient capital to Wellington. A local newspaper which had supported the pillage of Parihaka censured the transfer as ill-advised and arbitrary. The new Parliament was to meet in May. The Ministry did not accept an official suggestion from the Governor that it should be convened at an earlier date. Suddenly it was announced that Mr. Hall had tendered his resignation early in April. His assiduous labour in office was pleaded, and might truly be pleaded, as necessitating his retirement on the ground of health, but the immediate cause was a rupture between Bryce and Rolleston, who having tendered their resignations compelled Mr. Hall to consider seriously his own position. Fortified by medical advice he resigned, and his resignation was accompanied by that of his colleagues.<sup>1</sup> Sir Arthur Gordon was assailed in the press for not at once commissioning Whitaker to form a Ministry. He sent in the first instance for Sir George Grey, and having afterwards satisfied himself that the supporters of the late Ministry would probably be stronger than any other section in the new House, he sent for Mr. Whitaker, who returned to office (21st April) as Premier with all his recent colleagues except Hall. While the Ministry was in abeyance<sup>2</sup> Mr. Whitaker startled the public

<sup>1</sup> Mr. Hall was able to attend to Parliamentary duties in May.

<sup>2</sup> At Parihaka Colonel Roberts feared that the Maoris would assemble to discuss affairs during the ministerial convulsions. He was directed by Bryce to arrest strangers, destroy houses, &c. Being asked (afterwards) in the House if the houses of Te Whiti and Tohu were pulled down in obedience to his order, Mr. Bryce said about a dozen houses were pulled down by his orders, "as a hint that such meetings should not be convened. He was not aware whether Te Whiti's was one of those pulled down, but if so it was a very good thing for Mrs. Te Whiti," because it was old, small, &c. (New Zealand 'Hansard,' 14th July). Within a week of this brutal statement Mr. Ashley, in the House of Commons, pursued the policy of withholding information. When Sir M. Hicks-Beach categorically asked (13th July) whether Sir A. Gordon's report on Parihaka had been received Mr. Ashley admitted the fact, but not that it had been suppressed by request.

by changing the venue of trial of Te Whiti and Tohu from Taranaki to Christchurch. That he desired that they should have a fair trial at the latter place no one could believe, because he postponed the removal until after a Court had sat there in April, and Te Whiti and Tohu had been in his gripe for many months. Mr. Stout promptly told the public that the removal was "made for no other purpose than to stave off the trial till after the meeting of Parliament to allow if necessary one of those disgraces to New Zealand legislation—a special Act to be passed." Such a notion seemed to the 'Lyttelton Times' incredible. "We feel sure (19th April) that the new Parliament will refuse to be a party to anything so thoroughly disgraceful." The faith of the editor must have been sturdy to have survived the legislation of the past, and was to suffer in the future. Te Whiti and Tohu were carried away from Taranaki before, at the opening of the Court there on the 1st May, Judge Gillies electrified the community by telling the grand jury that it was their duty to see that the offences under the West Coast Settlement Act were those of which the Maori prisoners were accused. Any persons could be taken into custody for obstructing the operation of the law. "In the present case the prisoners merely sat still, and did not go away when ordered to do so. This may or may not, according to circumstances, amount to the crime of obstruction. . . . To make this act a crime it is necessary that the order to remove should be given by a person authorized by the Governor. "It would not be sufficient for some Minister verbally to give such an authority. It must be the official act of the Governor. . . . So far as the depositions show, there appears to have been no special authority from the Governor. . . . If you are satisfied that Mr. Hursthouse was duly authorized, and that he was obstructed, you will bring in a true Bill; but, on the other hand, should you find that he had no authority, it will be your duty to find no Bill. I see a number of Justices on the grand jury, some of whom may have taken part in the committal of these or other prisoners. In such case you ought not to take any part in finding Bills in those cases in which you have already acted as committing magistrates."

It could not be expected that any Taranaki jury would do its duty where justice to Maoris was in question, and the grand jury

found true bills against Titokowaru and others. They were applauded far and widely, and the Judge was railed at in newspapers which imputed absolute folly to him. But the Ministry had no desire to see the law brought to bear upon their deeds before an honest Judge. When the prisoners against whom true bills had been found were brought before Judge Gillies (8th May) the Crown prosecutor had received Whitaker's order to enter a *nolle prosequi*. The Judge said: "I have no right to interfere except to express my surprise . . . That prisoners should be brought up on a serious charge under a special Act; that they should be kept in prison for six months on that grave charge, and that the Crown Prosecutor should then apply to enter a *nolle prosequi*, seems a very extraordinary proceeding . . . more especially when I see that two of the indictments have been quashed on account of insufficiency on the face of them." To Rangi the Judge said: "The Government have determined not to bring you to be tried on the charge. You have already been in prison six months waiting for trial, nor does the Government offer any evidence. You are therefore free to go where you will." We read that Rangi looked as if he did not understand the proceedings. It was but a part of those which when reported to Lord Kimberley he kept back from the House of Commons.

The 'Lyttelton Times' declared that by abandoning the prosecutions the Government confessed the illegality of their past acts, and prophesied with equal confidence: "Parliament will probably be asked to pass an Act of Indemnity, which it will do as a matter of course." The editor called the Parihaka proceedings "atrocious," and denounced the intention of the Government to procure an Indemnity Act as an application from the wolf for redress because he had failed to devour the lamb. He was unheeded. A few days afterwards the Representatives, without dissent, congratulated Mr. Hall (who procured Prendergast's complicity in the raid upon Parihaka) on having received the honour of knighthood through Lord Kimberley for his prowess.

Before the General Assembly met on the 18th May, Tawhiao had held his expected meeting at Whatiwhatihoe without good result. Rather it was shown that the dissipated habits



by which it was anticipated by McLean that his reign would be shortened, had degraded him. Old Ngapora, Rewi, Wahanui, Te Ngakau, Paora Tuhaere, Te Wheoro, and many others attended, and tribal welcomes occupied the 11th May.<sup>1</sup> On the 13th, Tawhiao announced what seemed to be the desire of his counsellors as to surveys, sales, leases, roads, and gold-fields. Te Wheoro was to speak for the tribes at Wellington, but the Parliament ought to be convened at Auckland. Discussion was continued until the 17th May, when the earnest Maoris were shamed by the intoxication of their king, and did not abstain from censuring it. The message finally entrusted to Te Wheoro was that surveying, leasing, selling land, and making roads within Tawhiao's territory should remain in abeyance until definite terms should be agreed upon, and that a Parliament should be held at Auckland: by which, it was afterwards explained by Rewi, it was not meant that the General Assembly, but delegates from it, should meet the Maoris. Te Wheoro went to his place at Wellington, but his heart must have been sad. He left a degraded countryman, and he had to encounter Mr. Bryce, whose character is known to the reader. The Governor's opening speech stated that during his "absence from the colony" the Prendergast proclamation was issued because in the opinion of "Ministers" vigorous measures were necessary. "A Bill will be laid before you, having for its object to render the trial of Te Whiti and Tohu unnecessary, and at the same time to prevent them from returning for the present to Parihaka." This description of a Bill of Attainder of two men whom the Ministry dared not try did not shock the majority; but Mr. De Lautour scornfully alluded to the "hypocritical clinging to the law in the very act of illegality—reading Riot Acts, and you yourselves the rioters!" Te Wheoro asked why if Te Whiti and Tohu had not been arrested legally they were not at once released, but Te Wheoro was not answered. On the 23rd, Mr. Bryce introduced an Indemnity Bill and an Attainder Bill, which he called a

<sup>1</sup> Great indignation was expressed by Europeans because on the 12th the business was postponed; but Te Ngakau retorted that the Native Land Court often adjourned to the great inconvenience of assembled Maoris. "So in accordance with your European customs I have to announce that the speeches will be delivered to-morrow."

Peace Preservation Bill. On the 26th, he moved its second reading, having carefully kept from the Colonial Parliament, as Lord Kimberley kept from the Imperial, all official knowledge of affairs at Parihaka. His statements need not be quoted in full. They were, as might be imagined, a laboured perversion of facts. Admitting "that Te Whiti is essentially a man of peace," he affected to think that Te Whiti had provoked the Government. He selected, as was easy, passages from Te Whiti's speeches which appeared combative; but he kept back their interpretation which the Government possessed. He confessed to no wrong, and as to the destruction of crops he insolently said: "If I had done what perhaps I ought to have done, I should have pulled up a great many more potatoes, so as to reduce the supply of food. . . ." Mr. Bryce's opinions<sup>1</sup> are unworthy of attention,

<sup>1</sup> Amongst Mr. Bryce's misstatements was the oft-refuted calumny that the Maoris commenced the war at Taranaki in 1860. The land dispute at Waitara "might have been called the immediate cause," but it was Mr. Bryce's conviction that the natives were "desirous that it should occur." When the Ngatiruanui "plunged into war they commenced it in a manner cruel even for Maoris; they commenced it by the murder of innocent children. . . . In my opinion they had no immediate connection with the cause of the quarrel." To enhance the value of his opinion Mr. Bryce told the House: "I was in the way of being acquainted with the natives on that coast." A meagre knowledge of past events "on that coast" would have informed Mr. Bryce that, in 1839, when Te Rangitake was assailed at Waikanae by the Ngatiraukawa, a band of the Ngatiruanui forthwith marched to his aid (*supra*, vol. i. p. 193). When the Ngatiruanui aided Te Rangitake in 1860, Archdeacon Hadfield, in a letter to the 'New Zealand Spectator,' said: "If I am asked why (they did so) I shall be prepared to answer this question when I am told why they came to his assistance when he was attacked at Waikanae in 1839." As to the "commencement of the war" of 1860, the facts have been narrated. It was an old device to impute it to the Maoris. Lieutenant-Colonel Carey, an eye-witness, in his book on the war (London, Bentley, 1863), tells us that "after the capture and destruction of Te Rangitake's pah on the 18th March, some Europeans had been attacked and killed by the natives on the Omata block. These . . . results were described as barbarous murders, a term hardly applicable . . . when we reflect that a guerilla warfare was the only one in which the Maori could hope to gain any advantage, and that the acts occurred after martial law had been proclaimed by us; after we had attacked a native pah, and blood had been shed on both sides, and after these very Europeans had been warned by the natives that war having now begun, it was no longer safe for them to wander about the district. . . . the natives left it to us to commence the first act of bloodshed by our attack on the pah on the 18th. The fact that the deaths above alluded to took place eight or ten

but the Bill requires remark. The preamble declared that Te Whiti and Tohu were in gaol awaiting trial for sedition, and had "held language calculated to promote disaffection;" and that it was "feared" that their return to Parihaka would "involve danger to the peace of the colony." It was therefore provided that they "shall not be tried for the offence (of sedition) for which they now stand charged"; that "the Governor in Council" should have power to cause them to be kept in custody where-soever desired—to release them, and "to again arrest them," and keep them in custody, anywhere, at pleasure. "No Court, Judge," or other person was to bail or liberate them, "any law or statute to the contrary notwithstanding; any one contravening the Act was to be liable on summary conviction to a fine of £500; and any one doing anything under authority of the Act was to be exempt from all liability for anything he might do. If more than twenty Maoris should meet together any Justice of the Peace might command them "to disperse," and any "constable of the constabulary" might seize the non-compliant and take them to a Justice, and any Justice might determine the case, and inflict a fine of £50 with imprisonment for twelve months with hard labour. These powers were conferred upon Mr. Bryce's friends throughout the confiscated block at Taranaki, which embraced the homes of several tribes on the west coast. Sir George Grey justified Whitaker's expectations by supporting the Bill. He saw no cruelty in the burning of houses, but he did not think the preamble of the Bill was true. He would gladly indemnify Mr. Bryce, however, although he thought that Te Whiti was "essentially a man of peace," and had been a main help in bringing affairs to a peaceful conclusion. Sir G. Grey adopted the palpable imposture of the Ministry in disclaiming

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days after our attack on this pah, was carefully kept in the background by the local papers, which tried to make it appear, and for a long time succeeded in doing so, that the Maori had commenced the war by the murder of unarmed, unwarned, and inoffensive settlers. Whereas, war having been begun by us, the natives naturally enough considered this retaliation a legitimate mode of fighting." It would be insulting to Colonel Carey to compare his evidence with the words of Mr. Bryce. But the reiteration of known untruths compels the production of authentic statements. Colonel Carey died (1872), as Major-General in command of the Northern District, in England.



any "desire to inflict punishment" on Te Whiti, who was torn from his home, whose house was burnt, and who was to be imprisoned by attainder because it was dreaded that before the Supreme Court he would be acquitted. It is more grateful, however, to dwell on the names of those who opposed than of those who supported the Bill. Mr. Bracken protested against a denial of justice. The treaty of Waitangi guaranteed to the Maoris "all the rights and privileges of British subjects." Trial by jury was one of them. "I stand here to protest, though I may be the only one who does so, against this un-English proceeding." Mr. Hutchison vehemently urged that the desolation at Parihaka was a "cruel and arbitrary outrage upon justice."<sup>1</sup> The change of venue showed that the Attorney-General knew that he could not convict Te Whiti, and therefore resorted to a device which, if practised before an English Court, might have caused him to be "struck off the rolls." All the "parade and bravado at Parihaka was a sham from beginning to end." Mr. De Lautour added his weight to the opposition. Mr. Bathgate emphatically protested against the measure. Tawhai asked why if Te Whiti was not to be tried he was taken prisoner. "Is this the law of England—to arrest an innocent man and leave culprits in their homes?" Mr. Holmes cogently denounced the Bill, and demanded that Te Whiti should be heard by counsel. He insisted that the threat in Prendergast's proclamation to cut down the promised reserves should be withdrawn.<sup>2</sup>

<sup>1</sup> Admiration of the sagacity with which, in *Magna Charta*, Stephen Langton guarded against arbitrary outrage, would be increased, if that were possible, by finding that every wrong done to Te Whiti was forbidden in express terms by the Charter. "*Nullus liber homo capiatur, vel imprisonetur, aut dissaisiatur, aut utlagetur, aut exuletur, aut aliquo modo destruatur, nec super eum ibimus, nec super eum mittemus, nisi per legale iudicium parium suorum, vel per legem terræ. Nulli vendemus, nulli negabimus, aut differemus, rectum aut justitiam.*"

<sup>2</sup> The propriety of keeping faith as to these reserves might have seemed unquestionable elsewhere, but in New Zealand there were members who supported even this act of breaking promises, old and new. It was urged that it would be a foolish "concession" to abstain from plundering in the manner threatened by Prendergast. In the debate on the Bill Mr. Moss reminded the House that Atkinson, the Treasurer, told his constituents that "if there was any difficulty in that part of the country again, the Maoris should be exterminated." Mr. Moss was not contradicted. (*New Zealand Hansard*, 30th May, 1882.)

Taiaroa argued at some length on the general question. "Te Whiti had been arrested . . . let him be tried. Why should the House entertain any fears of the result? He would be tried by European jurymen and Judges, not Maoris. I am weary with thinking of the promises that have been made by various Governments. These promises have been the root of all the evil. . . . (Mr. Fish had spoken of the Maoris as) a horde of savages. Sir, I would draw your attention to that. . . . If it be true, what were the Europeans in old days? I have read books written by your own people about yourselves, and I find that you were in a like position some years ago. I do not know whether the honourable gentleman did not know the meaning of the term, or whether he thought I did not understand him. I suppose that none of his ancestors ever deserved the appellation. What can you say of those who are attempting the assassination of our Queen? What can you call them? I should also like to know what you call those who in Ireland get up agitations, and shoot people. It is but right that language of this kind should be put away from us. If we are ignorant, if we have not reached that state of enlightenment that you have, it has not been our fault. I have heard that the English race was indebted to the Romans for the first gleam of civilization, and it would be well for you to act as the Romans did, and impart to us the civilization which you possess." Taiaroa supported the postponement of the Bill, so that Te Whiti and Tohu might be heard at the bar. Let not the matter be treated in a one-sided manner. Let a Select Committee "carefully sift the subject on all sides." Mr. Turnbull (from Timaru) strove gallantly but vainly for the honour of the colony. Mr. Bracken, from Otago, implored the majority not to "allow the finger of scorn to point for all time at this House and this adopted country of our race." One abject member retorted: "We have done Te Whiti no wrong. We are doing him and his people no wrong. . We have given them a noble heritage." Colonel Trimble hoped that the treaty of Waitangi "would in future be relegated to the wastepaper basket, which is about the only place it ought to be seen in." Though Mr. Sheehan was compelled to admit "that on the west coast there was a number of Maori people who were told that the land should be given back to them, and that con-

fiscation should cease to exist"—that Te Whiti had "led a pure and moral life," that his policy was to get back the natives' land "by prayer," and that "Sir Donald McLean<sup>1</sup> promised to return the land." Mr. Sheehan supported Mr. Bryce's "Bills to the utmost."

By 52 votes against 14 the House refused to delay the Bill, and Mr. Bryce to fortify it in injustice produced warlike letters written in 1862, to which he said the names of Te Whiti and Tohu were attached, and which were among those sent to Sir G. Grey in the interval between the rape of the Waitara and the invasion of Waikato. They could not aid Mr. Bryce, for even if the signatures were genuine, which was doubtful, the letters could not have moved Mr. Bryce to his unjust courses, inasmuch as he had until their production in June, 1882, professed his belief that Te Whiti had always been a man of peace. Moreover, it was an acknowledged fact that many letters sent to the Government in the early days of the war were forgeries, and that signatures were attached without authority. Waharoa was a sufferer from such misrepresentations. The determination to press forward the Bill was carried by 52 votes against 14.<sup>2</sup> On the motion for committal of the Bill, Te Wheoro moved that Te Whiti and Tohu be first heard at the bar, by counsel or otherwise, but by 43 votes against 22 this modest prayer was rejected (2nd June), and Mr. Turnbull bitterly expressed the humiliation he felt at the position of the House. "Never did I feel so much

<sup>1</sup> Not only did Sir D. McLean promise that natives residing within the confiscated boundary should be undisturbed, but Sir G. Bowen in 1873 reported an asserted fulfilment of promise at that date. He sent to England an official memorandum written by McLean, stating that (not only the loyal, like Te Whiti, but) natives formerly in rebellion, were peacefully occupying lands set apart for them within the confiscation boundary.—*Vide supra*, p. 48.

<sup>2</sup> The 'Lyttelton Times' called the result "the most shameful decision ever recorded in our Parliamentary annals." At the same time it rejoiced that the calling for the division would proclaim for all time the uprightness and undimmed honour of "the few who stood up on that fatal day against the many." The fourteen members were Messrs. Buchanan, Daniel, De Lautour, Duncan, Joyce, Montgomery, Moss, Tairaroa, Tawhai, Te Wheoro, Tomoana, White, Bracken, and Turnbull. Five others paired against the Bill. They were Messrs. Bathgate, Hutchison, Holmes, Macandrew, and Shrimski. Sir George Grey swelled the majority with Bryce, Rolleston, Atkinson, Sheehan, and Sutton.



ashamed of an act of the Legislature as now." On a subsequent day in Committee, Tawhai's suggestion that the number of Maoris who might assemble without "dispersion" should be 50 instead of 20 was accepted; but a proposition to strike from the preamble the words imputing disaffected language to Te Whiti and Tohu was rejected by 51 votes against 17. On the 9th June, Mr. Macandrew resisted the third reading of the Bill, which would form "one of the greatest blots on the statute-book." The proceedings at Parihaka would "at no distant date bring the blush of shame to the faces of all concerned; ay, not excepting the Native Minister himself. . . . My only hope is that the Governor, who may be assumed to be the representative of British honour and British justice, and who as such is an integral part of the Legislature, may interpose to save us against ourselves." Mr. W. Hutchison lamented that "our children will turn with regret to this chapter in our history as a melancholy record of how the strong trampled on the rights of the weak." Mr. Bracken "for the last time" entered his protest against the Bill, which trampled "the British Constitution under foot." Te Wheoro, Mr. Holmes, Mr. De Lautour, and Mr. M. W. Green protested against injustice and dishonour; but by 51 votes against 21 the third reading was carried, and the Indemnity Bill, which had not previously been discussed, was committed. Mr. Montgomery hinted that compensation should be given to Maoris whose property had been destroyed at Parihaka. Te Wheoro supported him, but Mr. Bryce, as confident of a brute majority in the House as he had been at Parihaka, said that it was "impossible" to make such a provision in the Bill, which was passed through all its stages on the 9th June.

Up to that date the New Zealand Government had presented to the Assembly none of those papers which, in complicity with them, Lord Kimberley had concealed in England. On the 13th June, Mr. Mantell, in the Council, asked for papers on the subject, and the Ministry on that day produced Sir Arthur Gordon's despatch of the 26th February, 1881 (with memoranda arising out of it to the date of 16th July, 1881), but none of the documents connected with the outrages at Parihaka in November of that year. A separate motion by Mr. Mantell for a respectful address praying the Governor for "all public despatches

in continuation of those presented last session" was opposed by Whitaker as "inconvenient," and its rejection without a division betokened that in the Council as in the other Chamber the voice of justice had been silenced. On the 20th June, Whitaker moved the second reading of his Attainder Bill. He admitted that in changing the venue for trial of Te Whiti and Tohu, the Government were partly actuated by a knowledge that even if convicted by a Taranaki jury, "reasonably the sentence would be a short one, and that if they were acquitted they would return to Parihaka." It was an object therefore to "put off the trial until after the meeting" of Parliament. To call the Bill one of Attainder was "nonsense. This is an exceptional state of things, which could hardly exist in any other country, and we are bound to deal with it specially. Sir, to hear Te Whiti and Tohu before the Council would appear to me to be highly absurd. . . . I say it would be a great farce to bring them here to plead." . . . To continue their "detention and to oust the Courts of any jurisdiction they might have (by Habeas Corpus, &c.), is the object of this Bill. . . . The trial would not have answered our purpose; if they were convicted the sentence would probably be short, and if they were acquitted our object would be defeated utterly." The cynicism of such words in the mouth of an Attorney-General requires no comment, but it did not shock the majority of the Council.

Mr. Mantell raised his voice in terms which were not admitted in the official report of the debate. He pointed out that the obligations of the Waitangi treaty were "an Imperial question, and the result is that they remain a dead letter. . . . We talk of teaching the Maoris to respect the law . . . but if the Maori manages to evade the meshes of the law as Te Whiti does, we turn round and make a law to precisely fit the case." On the 21st June, Captain Fraser and Mr. Buckley opposed the Bill; but it was carried by 26 votes against 3. Dr. Pollen averred that he voted for it with reluctance, because he "did not believe that to kidnap political opponents and shut them up is the best way to bring them to their right mind." The Indemnity Bill was passed with equal ease in spite of remonstrance from Mr. Scotland, whose name was absent from the division on the Bill of Attainder. Mr. Mantell recorded his protest against the

latter as "inconvenient if not unconstitutional . . . and because from the refusal or omission of the Government to place before this Council any official reports of those recent occurrences on the west coast which are alleged to require such legislation, it can only be inferred that those occurrences have not been of a nature to justify such severe provisions as those in the Bill." Captain Fraser recorded his protest because—1st, the Bill was "*ultra vires* (of the Assembly), inasmuch as it is repugnant to the English statute law, and deprives British subjects of the privileges granted to them by the Habeas Corpus Act. 2nd. It declares men guilty of sedition without trial, and without any evidence of their guilt produced before Parliament. 3rd. It declares men guilty who have not been allowed to be heard in their defence before Parliament. (4th. It would tend to create disaffection.) 5th. It is punishing Maoris who, if guilty, could be punished by the judicial tribunals. 6th. There is no reason for suspecting that if any evidence could be produced against Te Whiti and Tohu before the Supreme Court a jury would not convict them."<sup>1</sup>

Brief allusion may be made to other proceedings in the General Assembly, before the scene must be shifted to show how Lord Kimberley comported himself in England with regard to the treaty of Waitangi while it was thus violated with his knowledge in New Zealand.

<sup>1</sup> After the Bills had been passed the newspapers published a statement which shame or pity wrung from Mr. Parris, who indecently sat on the bench when Te Whiti was committed at Taranaki. Many might think Te Whiti's career foolish or unreasonable, "but those who are capable of taking an impartial view of the whole case, and can admit the full right of the Maori to strive by all fair means to retain his old free mode of life, and enough of his primæval wildness of forest and fern to enjoy it, will see in Te Whiti's conduct, as the leader of his people in a trying period, much that is worthy of their sympathy and respect. Te Whiti was in fact the representative . . . of the love of the Maori people for their ancient customs . . . and of their dread of being hustled off the scene by swarms of strangers, &c." To extort such praise from a foe who had injured him was a moral triumph. It is inserted here, however, not on that account, but to show how vilely the truth was distorted in the telegrams and letters to England which represented Te Whiti as a rebellious disturber. It also shows how close was the accord between the New Zealand Ministry and Earl Kimberley, who, having the truth in his hand early in 1881, kept it from the English public.



Taiaroa asked (25th May) what the Government intended to do with regard to a report of a Royal Commission upon the "unfulfilled promises to the natives in the Middle Island."<sup>1</sup> Mr. Bryce replied that the opinions of the Commissioners were impracticable, and that the Government would not act upon them. The report declared that certain claims had been established. A subsequent debate (19th July) on a recommendation from the Native Affairs Committee that one of the Commissioners, "Judge Smith, should be summoned to give evidence before the Committee," revealed the fact that though he refused to act on the recommendations of the Commissioners, Bryce had brought much influence to bear upon them. He opposed the summoning of Judge Smith, but Mr. Sheehan had the grace to support it as an act of common justice. Major Atkinson vehemently opposed the recognition of claims which might amount to millions sterling. Let the petitioners pay the expense of summoning Judge Smith if they required him. Taiaroa replied that the claims ought to be examined, and if the Maoris were in the wrong, let judgment be given against them. Mr. Daniel (member for Wallace) was shocked at the attitude of the Government. Certain Maoris were in England, appealing "to Her Majesty. What would the Home Government think<sup>2</sup> when the speeches made on this occasion were published in the papers and went to England?" Colonel Trimble and Mr. Rolleston joined in depreciating the report of the Commission. The latter, who had participated in the simulation of the Governor's order at Christchurch, referred without regret to the Ngaitahu Deed Reference and to the Act to validate it. He thought it cruel

<sup>1</sup> In successive years inquiry had been suggested, and Donald McLean freely admitted that there were "unfulfilled promises." In 1879, Mr. Sheehan appointed the Commission. On accession to office Mr. Bryce thwarted it by refusing to provide for its expenses.

<sup>2</sup> Mr. Daniel overrated the conscientiousness of the Home Government. On the 13th July, 1882, Mr. Ashley told Sir Michael Hicks-Beach in the House of Commons that the delay had "arisen from the fact of papers being awaited from New Zealand." On the 13th June, 1882, the New Zealand Ministry produced a statement from Lord Kimberley, of July, 1881, to the effect that the Earl at their request "would delay publication if possible, but that as the papers had been promised, they must be published, if pressed for."

to the natives to encourage preposterous claims. Tomoana, taught by the past, suggested that the taking of evidence was of little importance, "because if the decision were in favour of the Maoris I do not suppose anything would come of it." Mr. Bryce found a majority to aid him in rejecting the request of the Native Affairs Committee. At a later date (25th August) Colonel Trimble moved that a report of the Committee be referred to the Government for consideration; but after debate, although Mr. Bryce supported Colonel Trimble, an amendment, moved by Taiaroa, to refer the report back to the Committee, was carried. Mr. Macandrew intimated that he desired to give evidence, and if his dealings with regard to the Maori reserve at Dunedin could be deemed ominous, there was little doubt as to the tenor of the evidence in prospect.

On the 4th September, Colonel Trimble (who wished to relegate the treaty of Waitangi to the wastepaper basket) brought up a further report, to the effect that further evidence had not altered the opinions of the Committee. Taiaroa thought it unfair that he had "not been allowed to give evidence." The Native Minister and the Chairman had prejudged the matter. Members of the Committee had been absent during discussions and the taking of evidence, "but when the day came for considering the report, the Government whips collected the Government members, and the report of the Committee was thus made adverse to the natives. I do not attach any blame to the Europeans, nor do I object to their being in possession of wealth owing to the natives having given up land to them in consequence of promises made by Her Majesty. What I have contended all along, and what I contend now, is that promises made by Her Majesty through Government officers, have never been fulfilled, but should be fulfilled according to the law of England. . . . I know the majority of the House will support the Government, as it invariably does in regard to native matters; I shall therefore not resist strongly now, but the natives will never abandon the subject, and will continue to seek redress either in this Parliament or in future Parliaments."

Mr. Bryce was indignant at "broadcast imputations upon the Committee." He could not endure to be reminded openly of what he had done secretly. "I warn the native members (he

said) that if they persist in merely representing the native race and utterly ignoring considerations in connection with European interests, the House will certainly become impatient of the position. I say that by way of warning. . . . I warn the honourable members that such imputations will not be tolerated.”<sup>1</sup> Te Wheoro replied that the native members never supported unjust claims; and Mr. Sheehan considered that Taiaroa’s language was not a whit stronger than that used by European members. Mr. Daniel was “sorry that (Bryce) should make such an attack upon the native members. . . . I have not seen that they have been biassed in the least. No doubt they feel the justice of their claims, and speak boldly; and as one who has been for the last thirty years among them, I shall never consent to see injustice done to them, but shall strongly support them.” Tawhai supported Taiaroa, and revealed that Macandrew’s evidence bore upon “his hobby and pet subject of Otago” and the Prince’s Street Reserve, to which the majority (by one) of the Committee gave ear while they would not allow Taiaroa to be heard. Other members spoke, and by 46 votes against 14 the Government prevailed. Sutton, Rolleston, Atkinson, and Hall were, of course, in the majority; but Messrs. Bracken, Daniel, Duncan, Feldwick, Ivess, Joyce, Seaton, Sheehan, Tole, and W. White, supported the forlorn hope of the four Maori members. Eight of their ten friends were from the Middle Island, in which the unfulfilled promises under discussion had been made.

Mr. Mantell renewed his efforts to expose the injustice done to the Himatangi claimants, and, to Whitaker’s retort that he would resist the payment of money to them, Mr. Mantell replied that although “further investigation would simply afford a surplus of proof that these natives have a claim upon the Government, I have not the remotest hope that they will ever get any money from the Government.” It is good to be able to

<sup>1</sup> It has been said that many noble deeds of Englishmen were learned in the play-grounds of Eton: and it may be hoped that the coming generation in New Zealand will rise to something better than the teachings of the Whitaker Ministry. While Bryce uttered his coarse threats to Taiaroa, Taiaroa’s son was winning golden opinions at Dunedin for his prowess at foot-ball, not only amongst his triumphant schoolfellows in the Eton of Dunedin, but in the press.



remedy wrong ; but when that is impossible, it is also our duty to expose what we cannot prevent, and Mr. Mantell had much of such labour to do. There are some natures from which shame extorts a homage not rendered to duty. Te Whiti's singular attitude of prophecy and patience wrung the West Coast Commission from his relentless enemies, who have not, as yet, altogether repudiated the promises proved to the world by their own Commissioners. It may be that a wider revelation of the wrongs done in the name, but not by command, of the Queen, may tend to lighten the oppression which has so long been inflicted upon a race which reposed its trust in her.

Tawhai brought forward (8th August) an Orakei Native Reserve Bill to enable the Maoris to lease their land, the title to which had been adjudicated upon by the Native Land Court in the Orakei case in 1869, when judgment was given in favour of Apihau te Kawau and his co-claimants. He had died at a great age. The natives interested in the land, prescient of the influences which might wrest from them their heritage, had procured (in the grant from the Crown) certain restrictions upon sale. They now, rather than abide the cost and delays incident to judicial proceedings, sought to obtain by legislation a power to remove the restrictions and provide for the leasing of the land for their benefit. Paora Tuhaere petitioned in favour of the Bill. Mr. Bryce, without opposing the Bill which a Committee had approved, suggested objections, and advocated a resort to the Native Land Court. On the 15th August, however, he modified his opposition, and with the support of Mr. Sheehan, Tawhai carried the second reading of the Bill, which in due time was sent to the Council, where it was favourably received, and passed.

A Native Land Division Bill introduced by the Government seemed to aim at fairness towards the Maoris. It enabled native owners to apply for subdivision, and obtain amended grants. It was passed without a division in the Lower House. There were existing cases in which some of the natives included in a grant had parted with their interest to Europeans, and the Attorney-General said in the Council that the Native Land Court had "considerable difficulty in dealing with lands in this position." The Bill provided that any one who had acquired

his interest prior to the passing of the measure might apply for subdivision, but that after its passing "a subdivision could only be applied for" by Maoris. Ngatata approved of the Bill, but commented on the perpetual patchwork which infected legislation on native affairs. "A mistake was made when lawyers were admitted into the Native Land Court. From that day the Maoris have been literally fleeced by these men,—not only the Maoris but the Europeans. . . . We got on far better when lawyers were not admitted, and I hope the Government will see their way to shutting the doors of the Land Courts against these robbers who flock to every sitting of a Court, however remote, for the purpose of enriching themselves at the expense of the native people. I have one or two slight objections to the Bill. No time is given for the issue of notices under clause 7, . . . subsection 2 of clause 4 states that the Judge 'shall sign such order,' thereby dispensing with the necessity for the assessor's signature. I should have preferred to see an assessor signing, as well as the Judge."

Captain Fraser said that a previous speaker had designated the tribal tenure as a curse; "I look upon it as a great blessing, for were it not for the tribal right the whole of the natives' land would have been swallowed up long ago. I agree with what the Honourable Mr. Ngatata says. Every year we have these Bills." Captain Fraser thought as the Maoris were "dying out as fast as they can," it would be better to give every native an annuity rather than let their lands fall into the hands of "Auckland rings and East Coast rings and other persons."

Captain Fraser was not the only person who discredited assertions that the decay of the Maori race had been arrested. Mr. Bryce, who had done so much at Parihaka to accelerate it, said (28th July): "We are told that the Maori population is about 44,000. . . . I do not believe there are more than 30,000. I have had peculiar opportunities of proving my opinion on this point to be correct." If he was right as to the fact, his raid at Parihaka had not even the meanest of motives to palliate it. For the brief space allotted to them, the sober and moral community guided by Te Whiti might have been permitted to dwell in peace, without tempting the settlers or the Government to rapine. The Native Land Division Bill was passed by the Council.

As time wore on, and the race decayed, the representation accorded to the Maoris became daily less disproportionate to that which was their due; but the subject was discussed. Mr. Hobbs (28th June), assuming the correctness of the census, pointed out that 44,000 Maoris had only four representatives, while the Europeans had a member for every 5000 in the population. There was a dual qualification,<sup>1</sup> but he thought it objectionable, and the Native Minister had to go to the north "himself and purge the roll," by a process which Mr. Hobbs did not describe. Sir George Grey, to whom Maoris were not likely to be longer useful, thought that Maoris had enough representation, and it was "essential that the purely native element should not become too powerful within the walls of this House." Nothing could be "said against their conduct, and no one who has seen them can help admiring them. Their speeches are always sensible, and we obtain a great deal of information from them on important subjects." Thus, raising one eye in admiration of the Maori, and declining the other before his coming doom, Sir George Grey opposed the Bill which, as Taiaroa had prepared another, Mr. Hobbs postponed, to encounter a common parliamentary mortality.

Having assured himself (2nd June) of support in the House by the large majority on the second reading of the Bill to attain Te Whiti and Tohu Mr. Bryce on the 6th June moved the second reading of a Native Reserves Bill. The existing law required amendment. A new feature was a provision enabling the Maori owners of any block to place it under the Public Trustee who was to be aided by a Board. It was hinted that under it large portions of Tawhai's territory might be subjected to settlement. The Board was to consist of the Treasurer, an Annuities Commissioner, and the Commissioners of Audit. Mr. Bryce said little with regard to the measure.

<sup>1</sup> The Qualification Act of 1879 gave a vote (irrespective of those for the four Maori members) to every adult Maori whose name was enrolled as a rate-payer, or who was "seized in severalty of a freehold" of the value of £25. It was urged that designing agents caused improper enrolment, and the remedy, if Mr. Hobbs spoke correctly, was to "purge the roll" by executive authority. It appears in official statistics that when (1880) the electoral roll was 83,851, the total number of Maoris registered under the Act was only 830.



Mr. Macandrew at once remarked that the Maoris ought to be represented on the Board. Tomoana, Mr. Holmes, Te Wheoro, and others supported the suggestion. Taiaroa wished that the Bill should be referred to a Select Committee. It repealed many existing laws. Tawhai thought it like the herring, so full of bones as to require careful handling. Mr. Sheehan considered its great blot to be "that it entirely ignores the Maori people." They ought to have a "potential voice."

On the other hand, at an adjourned debate, Mr. Kelly, a Taranaki member, was indignant at the possibility that under the Bill Maori estates might be built up; and, though an obsequious ministerialist, moved the shelving of the Bill. Mr. Rolleston zealously supported the Bill, but the Maori members doubted its advantages. Tawhai had "employed his time in endeavouring to extricate the bones from the herring, but had found out that the fish was not a herring at all. It was a conger-eel. The peculiarity of the conger-eel was this:—that towards the head there were not so many bones, but the tail-part was nothing but bones, and it was the tail-part which the Government intended to give to the Maoris. They had kept the head themselves." There was nothing to show that "a Maori could occupy a reserve after it had fallen into the hands of the Public Trustee," who was made "the sole owner."

The opposition of a Taranaki supporter deterred the Ministry, and it was not until the 28th July that they resumed progress with the Bill, and Mr. Bryce said then that they would accept an amendment adding a Maori to the Board. He would not accord him a salary, however. He claimed no credit for the Bill, which he said was substantially the same as one introduced in the previous session while he was not a member of the Government. A member complained that secret influences had been brought to bear. Mr. Kelly was absent. Other members had been persuaded to vote for instead of against the Bill. The question was made a party one, and the Government secured a majority of six, in a full House. Strenuous efforts failed further to modify the Bill, and Taiaroa's proposal in Committee to confine its application to cases in which "a majority of the owners" might consent was rejected (23rd August) by 37 votes against 23. The newspapers report that two Maori members were

eventually provided for the Board in the amended Bill. The measure comprised all reserves made or to be made by natives, all reserves made by the Crown for them, all lands set apart for their benefit by any Commissioner, all reserves made for them by the New Zealand Company, or by the Governor, and all lands vested in the Public Trustee "under this Act."

One argument for the Bill might be found in the fact, that under previous mal-administration some named reserves were undiscoverable, and a new system could hardly inflict greater wrong. The disappearance of reserves was admitted in Parliament and in the press.<sup>1</sup> Captain Fraser declared that "four native reserves were totally lost in Hawke's Bay; nobody knew what had become of them, and it would be the duty of the Commissioner to find out where they were." A previous officer when "examined either could not or would not say where they were." Though some members expressed misgivings as to the tendency of the Bill, it became law. It was not nominally compulsory upon Maoris to subject their land to it, but as they had not been allowed to profit by any law while Whitaker was Attorney-General it could not be trusted that they would derive benefit even from just provisions. One clause provided that all rents and proceeds from reserves should be scrupulously devoted to the purposes of the trusts, with a proviso that when such purposes might be obsolete or no longer attainable the Governor might direct to what similar purpose or object reserves should be devoted. The law was unobjectionable so long as it might be hoped that the Governor's advisers would be loyal. Much, however, will rest upon the functionary who will be called upon to administer the law; and perhaps the necessity to seem moral in order to purge away the ill-repute gained at Parihaka may influence the Government to appoint a Trustee of high

<sup>1</sup> "In spite of trustees, laws, regulations, red-tape . . . they have been blotted from the map. Not a creature from the Native Minister down . . . has the faintest notion of where they are. . . . Once gazetted their existence was forgotten. . . . Whatever their fate, the fact remains that reserves have entirely disappeared. The Bill provides a system far better than the abominable one under which such gross and scandalous breaches of trust have actually occurred."—'Lyttelton Times,' 28th August, 1882. The lost history of missing reserves may perhaps have vied in interest with that which is preserved about the Dunedin reclamation.

character who will stand impartially between the strong and the weak.

The Crown and Native Lands Rating Bill, which had in the session of 1881 enabled Mr. Ormond to shake the Hall Ministry, was renewed in 1882, and with more prosperous results. A difference between the Bills was that, in 1882, Crown or native lands within five miles of a public road or highway were made rateable; whereas the Bill of 1881 included all lands wheresoever situate. Again the Maori members protested against the imposition of compulsory and edacious mortgages upon their lands. In vain Mr. Holmes and others urged that it was not fair to rate the lands of Maoris "to force roads upon them which they may say they do not want."

Te Wheoro recorded his objections so that they "might appear in Hansard." Members had supported the Bill "in order that there should be one law for both races. Now, there are two districts in Waikato where the Maoris have to pay rates, but they have no voice in the County Council. Where is the equality there? The Maoris have no voice in any of these local bodies, and it is idle to say that the Bill will be beneficial to them." By 38 votes against 21 the Bill was carried, though Sir G. Grey supported Te Wheoro's arguments. There were divisions in Committee; but the Bill was passed. In the Council Wi Tako Ngatata condemned it as "the most arbitrary measure dealing with native lands" he had seen. Captain Fraser considered "the measure a mean way of confiscating Maori land." Mr. Whitaker, assured of a majority, showed the workings of his mind much as the cat rejoicing in its strength exhibits its retractile claws when pleased. It was outrageous that untaxed Maoris should reap profit from advancing civilization. "Is the Council prepared to allow this injustice to continue? It might be that when we were weak we did not insist upon justice in this question; but is that any reason, that now we are strong, the injustice should continue? I think the time has fully come" to deal with the matter. Mr. Peacock looked upon the Bill as one which would admit Maoris to the privileges of the colonists; Mr Scotland denounced it as "the *ne plus ultra* of meanness." By 22 votes against 9 the Bill was passed, and it was hurried through all its stages forthwith. It will, or



will not be, an instrument of torture in proportion to the healthiness of the public opinion which scans its operation.

One effort made by Tomoana in the House, on the 13th July, deserves to be recorded. The thought upon which Sir W. Martin, Bishop Selwyn, Waharoa, Sir G. Grey, Mr. Gorst, and Mr. Fenton, had brooded in former years found expression in a Bill brought forward by Tomoana "to enable Native Committees to decide disputes occurring between natives, and to regulate social abuses in proclaimed districts." It enabled the Maoris to form Committees of twelve elected persons, with power to award compensation for wrong, or to decide disputes about debts not exceeding £20. They could make awards not exceeding £50 with regard to movable property, and were empowered to make byelaws for the better suppression of intemperance and "the regulation of social order" in their districts. The Committees (of twelve persons) were to decide whether their regulations had been infringed, and might impose limited penalties, but could not enforce them. The award of a Committee was to be submitted to a Justice or to a Court which was to be "satisfied (that the parties interested had agreed (in writing) to submit the case to the Committee)" before giving effect to the award; and even then "nothing herein provided shall be deemed to prevent the Court hearing and deciding any case as in the manner provided in any Acts for the time being in force for the regulation of the Court, if it shall see fit to do so."

Tomoana said that a number of tribes were anxious that the Bill might pass, and submitted it to the House. Mr. Bryce at once opposed, but Mr. Turnbull and others supported the Bill. Mr. Steward (from the Canterbury district) urged that when honourable members (whose conduct in the Legislature had quite justified the views of those who thought it desirable that the natives should be represented by persons of the native race) brought forward a Bill which was apparently an honest effort on their part to assist in the Government of the country, "it at least deserved fair consideration." Mr. Weston, a lawyer, thought the Bill the "best evidence" of the Maori appreciation of law and order. "When we see the ability manifested by the native members of this House we may safely say that so long as the

natives are desirous of obeying the laws of our country and the customs of their own, they ought to receive every encouragement at our hands."

The second reading of the Bill was carried by 38 votes against 24, and 14 other members paired. The Bill was hailed by one editor as an effort "to establish a mode of real native self-government which is sure to be beneficial. . . . To a Ministry its principal disadvantage is that it provides a legal authority which may interpose between the natives and the march of a certain kind of progress." Another editor (who had approved the raid upon Parihaka), considered that the measure "embodied as much possibility of mischief as could well be compressed into one Bill." On the 3rd August, Mr. Bryce, having negotiated with certain members, moved that the Bill be shelved. Fresh from passing his Attainder Bill, he had the insolence to say that he had "always aimed at assimilating the treatment of the Maoris to the treatment of the Europeans." Mr. Daniel gallantly supported the Maori members. Mr. Barron significantly read the names of those who had voted for the second reading; but they who had yielded to pressure were not to be recalled to their original opinions. The final division on Mr. Bryce's amendment showed 29 members on each side in the House; and 32 members had paired. Though the Speaker's casting vote kept the Bill alive, the power of the Ministry sufficed to prevent its re-appearance during the session. The names of the members who were won by unexplained reasons to support Mr. Bryce, need not be recorded. Some of them it is easy to imagine. Amongst the supporters of the Bill were Sir George Grey, Mr. Sheehan, Mr. Swanson, Mr. Macandrew, Mr. Montgomery, Mr. Moss, Mr. Tole, and Mr. Weston.

During the session the public were startled by an incident which exhibited the Native Minister in close personal relation with a Maori chief whom some persons denounced as a murderer—Wetere te Rerenga. It will be remembered that in 1881, Hiroki (accused of murdering a surveyor's attendant) was seized at Parihaka, and was tried and executed in 1882. In 1882, a native named Winiata, who had taken shelter in Tawhiao's territory, was arrested by stratagem by a powerful half-caste, who

having plied Winiata and others with liquor seized him, carried him beyond Tawhiao's territory, and surrendered him to the police for a large proffered reward. Winiata, affirming his innocence to the last, was hanged in the beginning of August, 1882, under circumstances which extorted from the 'New Zealand Herald,' a statement that "the scene enacted below the scaffold was brutal and revolting."<sup>1</sup> Wetere te Rerenga was accused by some persons of having been an accomplice in the killing of the Rev. Mr. Whiteley and others at the White Cliffs in 1869. Te Rerenga had maintained his position as a leading chief at Mokau through the intervening period, under the recognized protection of his nominal king. It was believed that some coolness had interposed between Tawhiao and Te Rerenga, as to lands at Mokau. European negotiators strove to induce the latter to submit the lands to the Native Land Court. In 1880, Te Rerenga, Takirau, and others waited upon Mr. Kelly, a Taranaki representative, to press their claims, first for a Land Court, secondly for a Railway. Mr. Rolleston had told them that the matter of the Court was in the hands of the Chief Judge, but they had been unable to obtain information from the Judge, or answers to their telegrams. They asserted that Rewi had in writing empowered Te Rerenga and Takirau to "manage all the affairs of Mokau with the Europeans," and gave Mr. Kelly (who promised to assist them) a copy of Rewi's letter. In February, 1882, Mr. C. O. Davis published a letter from Tawhiao to Te Rerenga, and "all the people of Mokau." Tawhiao insisted upon the reality and power of his office. "The land is mine, and the people are mine." Statements, vows, and ancestral descent vouched his position; but he heard that Europeans were caballing to warp Te Rerenga from his allegiance. Let all Maoris attend at Tawhiao's meeting in the autumn, and there let all tribal questions be decided. Mr. Davis appeared to respect Tawhiao's claims: but Te Rerenga's intriguing friends prevailed, and he did not wait for the Maori meeting at Whatiwhatihoe. On the contrary, he wrote in March to the editor of

<sup>1</sup> The hangman was engaged for some minutes in a struggle to expel life after the drop had fallen. There were letters on the subject. The minister who attended the condemned man declared his disgust at the "barbarous affair."



the 'New Zealand Herald' in which Tawhiao's letter had been published. Te Rerenga denied that Tawhiao had land-claims at Mokau, and insisted on his own, which he would submit to the Land Court, whose sitting he desired to see. The editor thought that Mr. Bryce ought to take Te Rerenga at his word, because to compel Tawhiao to appear in Court would be a great gain whatever might be the decision. He stated also that up to that time "the Government had declined to grant Courts, not wishing to offend the Maori king." Mr. Bryce failed to obtain an interview with Tawhiao in March, and negotiations with Te Rerenga were pressed forward. At Tawhiao's meeting in May, he reasserted his claims at Mokau; but spoke, as did Wahanui, of Te Rerenga as the trustworthy guardian of Tawhiao's rights; and, as has been seen, Te Wheoro was commissioned to represent all Maori interests in the General Assembly at Wellington. In June the Native Land Court delivered judgment in favour of Te Rerenga and the "resident section of the Ngatimaniapoto," but recognized an inferior interest on the part of Rewi as a chief who had assisted in the conquest of the territory.

Meanwhile negotiations were carried on between the office of the Native Minister and Wetere te Rerenga. If dissension between him and Rewi, the principal Ngatimaniapoto chief, or between him and the Maori king, could be promoted, it was obvious that reverence for tribal laws and loyalty to the Maori king, would be sapped. Te Rerenga was said to be in possession of a letter from Donald McLean, written in 1875, and assuring him that the past would be forgotten. He had also been employed as a Maori assessor during Mr. Bryce's tenure of office, and had visited various places outside of the Maori pale.

Confiding in the friendly relations which seemed to be established in his favour, Te Rerenga, in July, visited Wellington to discuss affairs relating to Mokau, especially respecting a proposed railway. A relative of Mr. Whiteley's devised means to entrap Te Rerenga and his friends. He sent, 1st August, a telegram to a Maori at Taranaki, and forged the name of Te Rerenga as the sender. It declared that Te Rerenga had, in order to save himself, confessed his guilt as to the murder of Mr. Whiteley; and it urged the recipient of the telegram to hasten to the principal magistrate and "confess all to be said of

the massacre" at the White Cliffs, so that the recipient might be saved also. The forger defended his conduct afterwards in writing, by alleging that, "though the Government refused to take any action, the law allowed others to do so. A certain stratagem was attempted, but . . . it was not successful. There is no attempt to hide the fact, now that it didn't work. . . . If the Government refuse to take this matter up, it can't be expected that private individuals who do shall get along so smoothly. There are sure to be mistakes; and it would have been far better if Mr. Bryce had complied with the request made him, and placed upon his trial . . . the commander of the savage butchers. . . . It is just as well that every one concerned should thoroughly understand that I do not intend to allow this matter to drop. . . ." (It may be mentioned that a newspaper correspondent telegraphed from Waitara (1st September, 1882) that it had been "ascertained beyond doubt that Te Rerenga used every endeavour to protect the Rev. Mr. Whiteley from injury, but was too late in coming to the scene of the tragedy.") Te Uira, the recipient of the forged telegram, instead of complying with it, hastened to Mokau to warn his tribesmen of danger. Mr. Bryce, in Wellington, intimated to a friend of Te Rerenga that he had better "leave, so as to avoid complication."<sup>1</sup> Te Rerenga speedily shook the Wellington dust from his feet. Rumours ran through the country about the facts. On the 17th August, Mr. Mantell, in the Legislative Council, moved for papers relative to the sudden departure of Te Rerenga. Mr. Whitaker, the Attorney-General, alleged at first that the Government "neither brought Te Rerenga here nor sent him away;" but after Sir G. Whitmore and other members had displayed some knowledge of the facts, Whitaker admitted that, "desiring to prevent all trouble, Mr. Bryce communicated with a friend" of Te Rerenga's, in order that the chief might depart.

On the 29th August, the Government introduced an Amnesty Bill, declaring that, "whereas, on several occasions (Maoris had) been in insurrection . . . and offences of various kinds, more or less of a political character, have during such insurrection, and consequent thereon, been committed by the Maoris . . . and whereas the state of the colony is now such as to justify an

<sup>1</sup> Speech of the Attorney-General (17th August) in Legislative Council.

amnesty being proclaimed for such offences"—it should be lawful for the Governor, with the advice of his Council, to declare an amnesty to exempt certain Maoris. The Bill was not a complete Amnesty Bill, but one to enable the Ministry to show special favour. Mr. Bryce, in moving the second reading (7th September), averred that the Bill was "by no means the mere result of the accidental visit of Te Wetere to Wellington;" and Mr. Whitaker reiterated the statement, as if it required confirmation; and inasmuch as, when Te Wheoro asked on the 31st May whether it was intended to extend pardons to Te Kooti and Purukutu, Mr. Bryce declined to say more than that the subject was difficult, and "it might be that an Act of Amnesty might be passed, and a pardon might be granted in that way"—it was natural that the Ministers should feel that their assertions needed reiteration. The Bill passed through both Houses without a division, and Te Rerenga wrote a letter to an editor on the 12th September on the subject of his hereditary rights at Mokau. It was understood that, armed with his new powers under the Amnesty Act and the Native Reserves Act, Mr. Bryce would, during the recess, proceed to Waikato to make arrangements with Tawhiao. The prorogation of the General Assembly took place on the 15th September. Sir Arthur Gordon had left New Zealand long before the end of the session, and it had devolved upon Sir J. Prendergast to complete his handiwork at Parihaka by sanctioning the Bill which attainted Te Whiti and Tohu, subject of course to final approval by the Colonial Office.<sup>1</sup> For two years, after receiving Bills for Denial of Justice, for Attainder, or any other kindred deformity, it is within the statutory and constitutional power of Her Majesty's Secretary of State to arrest the course of wrong by advising their disallowance. Sir Arthur Gordon was no longer concerned with what was

<sup>1</sup> Besides enacting that none of the Provincial legislatures it created should inflict "any disabilities or restrictions on persons of the native race to which persons of European birth would not also be subjected," the Constitution Statute (15 & 16 Vict. cap. 72) makes it "lawful at any time within two years after (any New Zealand Bill) shall have been received by the Secretary of State, for Her Majesty by Order in Council to declare her disallowance of such Bill. . . ." Section 53 of the Statute, in giving power to the General Assembly to make laws in New Zealand, guards it by a proviso "that no such laws be repugnant to the laws of England."



called "native policy" in the colony. He had in his speech at Christchurch proclaimed the reasons which actuated him in discharging duties which he deemed constitutional. But it was well understood in the colony that he had intimated to his advisers that the question of his moral responsibility in retaining office under existing conditions was one for himself to determine. How he answered that self-addressed question was proved by his resignation of the Government of New Zealand.

It will not be necessary to trace further the parliamentary proceedings with regard to the Maoris. They have been detailed at some length during the last session which can be dealt with in this work, in order to show who they were, and how they comported themselves as subjects of the Queen, towards whom the Ministry of Mr. Gladstone pronounced in July, 1882, that they would not advise that the solemn pledges of the Queen ought in any manner to be regarded. Before narrating the manner in which the Earl of Kimberley made that announcement it may be well to add a few words respecting the general condition of New Zealand. Some facts on the subject may be condensed in a tabular form, and will be found in an appendix to this chapter as drawn from the published official statistics of the colony for the year 1880, the latest accessible in London for those who have no sources of private information.<sup>1</sup>

A few words should perhaps be said about the proceedings of Sir W. Fox as sole Commissioner on the West Coast. It appears that on the 17th June, 1881, he furnished "a general report on the progress" of his work, when he had been engaged in it about six months. He had satisfactory interviews with Titokowaru, and made reserves for Hone Pihama and others, and for "fishing stations and minor cultivations. . . . The difficulties, so far as the Waimate plains were concerned, appeared to have completely

<sup>1</sup> A column has been added (to show the death-rate per 1000 of the population) which testifies to the salubrity of the climate of New Zealand. The mean of eleven years, ending in 1879, was in New Zealand, 12·17; in South Australia, 14·94; in New South Wales, 14·96; in Victoria, 15·54; in Tasmania, 15·59; in Western Australia, 15·66; in Queensland, 17·27. In eleven years (ending in 1878) the mean was in England and Wales, 21·8; in Austria 31·; in France, 24·3; in Italy, 29·6; in Germany, 27·2; in Russia, 31·89; in Belgium, 22·5; and in Denmark and Sweden, 19·1. In the United States of America Mr. Mulhall (Balance Sheet of the World) estimates the rate at 20·.

vanished ; and if anything more was wanted to prove that they had, it was found in the successful sale and occupation of the whole of the open lands, which followed almost immediately afterwards. . . . I am glad to state that Captain Skeet (chief surveyor to the Commission) has met with cordial co-operation from the natives, which a year or two ago he would not probably have experienced. . . . I will conclude by expressing to your Excellency my entire satisfaction with the progress so far of the work of carrying into effect the principles and recommendations of the reports made by Sir Dillon Bell and myself last year, and my confident belief that what remains to be done will be accomplished by a continuance of patient labour for a not very protracted period." This report was (with Appendices) transmitted to England on the 10th August, by the Governor, and its receipt was acknowledged by Lord Kimberley on the 8th October, 1881, "with much satisfaction." Those who are curious in speculation may perhaps find something incongruous between the satisfaction expressed by the Secretary of State in October, and that which he expressed in the following month when after the outrages at Parihaka, he learned "with much satisfaction that it is believed that the danger has passed of hostilities arising between the colonists and the native population."

It may appear to some minds almost needless to accumulate this and other proofs of the wantonness of the attack upon Te Whiti's village, but when many are combined to distort facts and impose upon the public, it is incumbent upon him who desires to exhibit the truth, to establish it as much as possible, out of the mouths, or by the pens, of actors in the drama. It has been shown in this narrative that in June the General Assembly was informed that the Governor's advisers did not apprehend that it would be "necessary again to have recourse to extraordinary measures," and Sir W. Fox's report corroborated the information. Yet three months afterwards, in the absence of the Governor, it was affected that there was danger in Te Whiti's patience.

True to the current which had prevailed for more than a decade in the colony, further loans were authorized in 1882. A Loan Bill for £3,000,000 was passed, and a further expenditure of £1,000,000, subject to Parliamentary sanction of the route of a railway in the North Island, was sanctioned. There could be

no doubt of the capacity of the colony to pay interest on all loans prudently contracted for works wisely undertaken. Repudiation has never been a sin of British subjects, and they have had their reward in superior facilities for borrowing in case of need. But the rash raising of loans for other than works of necessity, or for those which can in no way yield a return, far from being laudable, can only produce inconvenience, if not disastrous pressure in the future. The complaint of a New Zealand Treasurer that £1,500 000, which should have been expended on railways, had been diverted to other purposes to purchase support in the provinces, was not repeated by Major Atkinson in 1882, but complaints were made, out of doors, that "political engineering" was recognized in Australasian parliaments as "the only railway engineering." "The highest success" (said a newspaper in August) "in that new and deleterious profession is to make the public money, borrowed or otherwise, produce the widest general satisfaction of the kind that depends on mere expenditure. . . . By the aid of its nefarious branches the system of political engineering both ensures the unchecked spread of political railways, and prevents all the railways from being managed on principles which will at once be fair and most productive of profit to the State." Again, in October, the editor wrote: "Our readers are all aware, for they have joined in it, of the widespread disgust and universal condemnation called forth by the doings of the last weeks of the session. . . . The Government going forth in the character of the sower—scattered golden seed right and left by handfuls. . . . The Government phalanx voted through thick and thin for appropriation after appropriation. The reason simply was, not to mince matters, that the estimates had been conceived and framed as a gigantic buying power."

It is no unkindness to the colonists, but rather the reverse, to call attention to practices which will, if unchecked, load the colony with debts improperly and needlessly contracted. It becomes more necessary to state the facts, because sanguine minds discard prudent considerations, and the expansive powers of a youthful community in a territory in process of colonization are indeed so great as to intoxicate the judgment of all except those who sedulously deduce effects from causes. Yet however



great the power of expansion may be, there is a point beyond which anticipation of future resources is folly. No one could contend that it would be reasonable to raise a loan in Europe to defray expenses of a holiday-show in New Zealand. Nevertheless borrowed money has been as foolishly expended in Australasia. He is a true friend who utters warnings against imprudence. Those colonies which are most careful in applying borrowed money to reproductive works must in the end command the most favourable market, and will thus in double measure enjoy the fruits of wisdom. They will pay less and receive more for every investment they may make. A glowing picture was presented by Sir F. D. Bell (Agent-General for New Zealand) to the Royal Colonial Institute in London, on the 21st November, 1882. He could not say too much on the material value of colonial commerce, or on the higher worth of the Imperial unity which ought to connect all loyal subjects of the Queen in bonds of patriotism and loyalty. But unless he and others strive to impress on the colonists the duty of expending prudently the money which he asked British capitalists to advance so lavishly, his flowery essay may do his clients more harm than good. He descanted proudly upon the amount expended upon education in the colony. The general transfer of responsibility from parents to the State had (as appears from the fifth report of the Minister of Education) resulted in New Zealand, as elsewhere, in closing some private schools whose scholars had been withdrawn to seek eleemosynary education, although their parents could well afford to pay school fees. The report stated that the increase in the attendance of Maori and half-caste children was small, and that "it might be made much larger but for the unwillingness of many parents of both races—European and Maori—to allow their children to be taught in schools equally open to them all. In some Maori settlements that are too small, and too near to public schools, to be regarded as entitled to have native schools established in them, the children are growing up in ignorance, being either withheld or excluded from the public school on account of antipathy based on difference of race."<sup>1</sup>

The number of schools established by the Government for the

<sup>1</sup> Extract from 'New Zealand Herald,' July, 1882.

education of the Maoris appears by the Registrar-General's Report for 1880 to have been 59, and the number of pupils on the rolls to have been then 1623, *i.e.* 919 boys and 704 girls. Ten private schools and four public primary schools were subsidized in 1880 for the maintenance of Maori children. It appears that in that year no less than 11 Maori schools were closed. The sum of £2613 is recorded as expended on educating and apprenticing "the sons and daughters of native chiefs," who were an object of solicitude to Governor Sir James Fergusson. The large proportion of £877 (one-third of the whole) appears under the head of "inspection" with regard to this sum. It is creditable to the moral strength and sense of responsibility of parents in New Zealand, that though some private schools were extinguished by the competition of public free schools there was an increase rather than an abatement in the number of private schools in the colony in 1880, and no less than 11,238 pupils (4528 boys and 6710 girls) were returned as educated at private schools.

The various local bodies substituted in the Provincial Districts for the old Legislative Provinces, were Counties, Municipal Boroughs, Road Districts, Harbour Boards, and River Boards, and through their machinery, aided by members of Parliament (who were separately enrolled as returned from Provincial Districts as they had formerly been enrolled as returned from Provinces), the required pressure was brought to bear upon the Government, by deputations in public, and by secret solicitations and arrangement. There were 51 counties in 1880. Their total revenue was £321,626, of which £232,778 consisted of grants from the public revenue. Their expenditure was £424,468. There were 65 boroughs. The estimated net annual value of the rateable property within them was £1,835,122. Their revenues amounted to £354,005, of which the Government contributed only £22,074. The rates yielded £137,615, rents, tolls, licenses, &c., supplied £85,635, and other sources £108,680. Their expenditure was £681,578, and their outstanding loans amounted to £1,844,007, raised at rates varying from 5 to 8 per cent. There were many Road Districts, though some parts of the colony were without them. Their aggregate revenue was £196,901, of which they received from "Government

or county" (according to the official statistics) £93,866; from rates, £62,795; and £30,239 from other sources. The estimated net annual value of the rateable property within Road Districts was £2,616,852. There were 23 Harbour Boards in 1880. Their aggregate revenues were £179,557, of which the Government contributed £41,982, and wharfage dues, fees, tolls, &c., produced £123,524. Their outstanding loans, raised at rates varying from 5½ to 7 per cent., amounted to £1,195,800. There were 13 River Protective Boards. Eleven of them reported their proceedings in 1880. The Government had given them £3820, and rates had yielded £5949. Almost all of them were in the Middle Island, where the angry rivers descended destructively from the mountains. The Waimakariri South Protective Board expended far more money and levied far more in rates than any other Board, but did not receive so much aid from the Government as one other Board, though its liabilities were considerable. The Armed Constabulary Force (which included all the ordinary police) comprised 1246 officers and men, distributed at 201 places. The Volunteer Forces contained 833 cavalry, 1129 artillery, 356 engineers, 4861 rifles, a naval corps 859 in number, and 2557 cadets, showing a total of 10,595, rather more than half being enrolled in the North Island.

A few words remain to be said as to the manner in which the Earl of Kimberley dealt with the reported proceedings at Parihaka and the groans of the Maoris. The path which he would follow with regard to the treaty of Waitangi was faintly indicated before the crowning wrongs of 1880, 1881, and 1882 were inflicted. To a petition from Paora Tuhaere and others of the Ngatiwhatua tribe the Earl replied that he was not "able to give any advice in respect of it, as the matter to which it relates is one which the Government of the colony is empowered and required to deal with." Tuhaere was, however, assured that in "granting to the Legislature of New Zealand its present powers of legislation the Queen was not unmindful of her Maori subjects, in whose welfare and happiness she has not ceased to feel the deepest interest." The affectation that the Crown had not reserved in the New Zealand Constitution of 1852 any power to guard the rights of the Maoris, though it was not founded on fact, was ominous of the manner in which Lord Kimberley



would evade his duty if called upon to advise the Queen. The Constitution,<sup>1</sup> the handiwork of Lord Derby's Ministry, had retained ample power for a Secretary of State who desired to maintain good faith. Before Lord Kimberley presented to Parliament the despatches concerning the outrage at Parihaka he revealed to the observant the manner in which he would construe the requirements of his position.

On the 18th of July, 1882, a deputation of Ngapuhi chiefs, Parore and others, submitted a petition to the Colonial Office, as the nearest approach which Lord Kimberley would permit them to make to the Queen, styled by them a gracious mother whom they venerated. Their petition glanced at the framing of the treaty of Waitangi, and at subsequent events and wars already recorded in these pages. "The motive impelling the projectors of these deeds was a desire to confiscate the Maori lands, and to trample under the soles of their feet the treaty of Waitangi. While these proceedings were carried out, the weeping people wept, the lamenting people lamented, the tortured people were in agony, the saddened people were plunged in woe, while they held the treaty of Waitangi as a basis on which the voice of the Maoris could be made known to you, O Queen. . . . We did not believe the utterances of the Europeans (as to the wrongs we suffered) that they were brought upon us by your Queenly authority: but our decision was that such acts were not sanctioned by you, O Queen, whose benevolence towards the Maori people is well known. . . . (The disorderly deeds referred to were done) so that a path might be opened up for Europeans to seize Maori lands. In 1881 a new plan was devised by the Government to enkindle strife. . . . Armies were sent to Parihaka to capture innocent men that they might be lodged in prison; to seize their property and money, to destroy their growing crops, to break down their houses, and commit other acts of injustice. We pored over the treaty of Waitangi to find the grounds on which these evil proceedings of the Government rested, but we could find none. Some of the

<sup>1</sup> Power to disallow Bills was (as has been seen) expressly retained by the Crown, and the 71st and 79th clauses provided for the maintenance of humane Maori customs by the Crown, "any law, statute, or usage in force in New Zealand . . . in any wise notwithstanding."

European (colonists) disapproved of these injurious doings. . . . We pray that you, O mother, the Queen, will not permit increased evils to come upon your Maori children . . . but will graciously sanction the appointment of a Royal English Commission to abrogate the evil laws affecting the Maori people, . . . to put a bridle also in the mouth of Ministers for Native Affairs who may act as Ministers have done at Parihaka, and to ensure that all may be brought back to obey your laws, . . . to restore lands wrongly confiscated, and to draw forth from beneath the many unauthorized Acts of the New Zealand Parliament the concealed treaty, that it may now assert its own dignity. . . . Should you authorize a Royal English Commission to investigate the wrongs of both races then will you be rightly informed, O mother, as to what is just and what is false. It is believed by us, O Queen, that you have no knowledge as to the wrongs that have pained us so much and created such lamentation among the tribes. . . . O mother, the Queen, there are no expressions of disaffection towards you by the Maori tribes, including those of the king ; but they revere, only revere your Majesty, and the search after you, O Queen, has induced us to send this petition to England by the hands of persons appointed by our Committee, who will see your very countenance, and hear your words." (After the manner of their people they summarized their grievances):

1. Those relating to the New Zealand Company's doings.
2. Unlawful execution of Rangihaeata's people.
3. Wars of Heke and Kawiti.
4. Quarrels between Te Hapuku and others, in 1848, brought about by purchases of land by the Government.
5. The rape of the Waitara.
6. The invasion of Waikato in 1863.
7. Other quarrels, in 1879, arising out of land purchases by the Government.
8. The capture of Te Whiti's innocent people in 1879-81.
9. The incarceration, in 1881-2, of Te Whiti and his people, who were guiltless of any crime.

Also the passing of laws in violation of the treaty. The petition concluded with a prayer: "May the Almighty bring down upon you, upon your family, and upon the whole of your people, the supreme blessings of Heaven, even to the end of your sojourn in this world, and in your inheritance in the home of sacred rest."

Had the Lord Stanley of 1843, or the Cardwell of 1864,

presided in 1882 at Downing Street, or had Sir Robert Peel been Prime Minister, it is possible that the Maori missionaries might have been permitted to see the countenance of their Queen and to hear her words. Lord Kimberley and Mr. Gladstone reserved such grace for Cetewayo. Perhaps the sight of the Earl of Kimberley himself would not have been accorded to the Maoris but for the existence of one of those organizations which, the off-growth of Christian charity, are peculiarly the glory of the English nation. The ruling principle of the Aborigines' Protection Society was the acknowledgment of the brotherhood of man: a principle which even the savage show-lovers of Rome rose to recognize with acclaim when they heard the words—*Humani nihil a me alienum puto*. With the Society in question the principle was the motive of their being and the rule of their conduct. They befriended the Ngapuhi chiefs who bore the message of love and the prayers of their people to the Queen.

Sir T. Fowell Buxton; Alderman Fowler, M.P., with Messrs. A. McArthur, M.P.; J. Cropper, M.P.; F. W. Chesson (the secretary), and other members of the Society, attended. After a preliminary objection on the ground that the petition had not been sent through the official channels, Lord Kimberley consented to hear the deputation. In reply he said that the treaty of Waitangi "was very simple, and provided that the possession of land was to be respected.<sup>1</sup> It was not the duty of the Colonial Office to advise the Queen in reference to local matters like the present. . . . The Queen was advised by the Ministers of the Colony with regard to these matters, and not by himself." During a pause, one of the deputation said: "It is proper to remind your lordship that successive Secretaries of State have commanded successive Governors through a long series of years to inform the Maoris, and they have accordingly been informed

<sup>1</sup> These words are quoted from the report of the deputation which Lord Kimberley (Despatch 8th August, 1882, to the Governor of New Zealand), described as a "brief but fairly accurate account of an interview" with the chiefs. He must have forgotten the nature of the treaty or thought whatever he said unimportant when he narrowed its application to titles to land. There were only three Articles in it, and the last said that, in consideration of the others, "Her Majesty the Queen of England extends to the Maoris Her Royal protection, and imparts to them all the rights and privileges of British subjects."



that the Queen would cause the treaty to be scrupulously and loyally respected."

The Earl said that it was "a matter of construction," but no report was made of his words. The chiefs were dismissed with the disingenuous assurance that as advised by Lord Kimberley the Queen took a great interest in the welfare of the Maoris, and that it was a happy omen that of late "there had been no wars or bloodshed between the two races."<sup>1</sup> When he spoke thus he had possessed for many months the able despatches of Sir Arthur Gordon, from 26th February to the 28th December, 1881, which contained an account of the proceedings which culminated in the outrage at Parihaka; and he had for weeks possessed the charge of Judge Gillies (to the Grand Jury at Taranaki), which pointed out the illegality of the arrests of more than 2000 peaceful Maoris. The production of all these documents was postponed until November. Thus, as far as one man could wound it, was the treaty of Waitangi wounded by Lord Kimberley.

It is instructive to glance for a few moments at the terms in which the word of the Queen had been solemnly pledged to maintain the treaty. Hobson, who contracted it on her behalf, wrote:—"I assured the chiefs in the most fervent manner that they might implicitly rely on the good faith of Her Majesty's Government." His agent, Major Bunbury, was to offer a "solemn pledge that the most perfect good faith would be kept by Her Majesty's Government that their property, their rights and privileges, should be most fully preserved."

Of the gallant Fitzroy it requires not to be said that he was ever on the side of loyalty. Sir George Grey, on his arrival, and repeatedly afterwards, declared publicly that he had "been instructed most honourably and scrupulously to fulfil the conditions of the treaty." Even Colonel Browne, though led astray at the Waitara, pledged himself to maintain inviolate the treaty

<sup>1</sup> Old Parore had brought presents for the Queen as "a small token of the loyal affection with which she is regarded by her Maori subjects." Though Lord Kimberley would not let them see their Queen, he told them (21st August) that he had "much pleasure in submitting their presents." Some kindly persons, notably Miss Weale, of Whitechurch, interested themselves in assisting Parore and his companions. On the 17th August, they were by these means enabled to see the Prince and Princess of Wales at Marlborough House, and profit by the graciousness of aspect which wins

rights of the Maoris. Sir George Bowen, so lately as in 1872, declared to the Ngatituwharetoa tribe, "This treaty remains inviolate," and Lord Kimberley, then Secretary of State, approved of his conduct. Of Governors Sir James Fergusson, the Marquis of Normanby, Sir Hercules Robinson, and Sir Arthur Gordon, no man would dream that they desired to dishonour the word of their Queen. But in their days the Maori people were waning, and Secretaries of State had ceased to issue injunctions on their behalf. Yet they had not cynically avowed in terms that they had nothing to do with upholding the honour of their nation and their Queen. This it was reserved for Lord Kimberley to avow in 1882, while a member of a Ministry of which Mr. Gladstone was Premier; and Mr. Gladstone must therefore be held mainly responsible before the world for the decision announced by his colleague.

In days when freedom of speech has been invaded in its very sanctuary, the Parliament of England, it may be deemed perilous to write in fitting terms of the abandonment of duty displayed by the Government towards the Maori race. Fortunately it is unnecessary to enlarge upon their conduct. Their own language suffices. Mr. Gladstone was, in 1882, the sole survivor of the Select Committee of the House of Commons, appointed in 1837 to devise measures for securing to native inhabitants, where British settlements were made, "the due observance of justice, and the protection of their rights; to promote the spread of civilization among them; and to lead them to the peaceful and voluntary reception of the Christian religion." The case of New Zealand was specially considered. With regard to the deeds of Stewart at Bank's Peninsula, the Committee said: "Thus then we have seen that an atrocious crime involving the murder of

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all hearts. Before they left England they made an effort to secure a remnant of advantage from their native soil for the Maoris. An Association, comprising names which could command respect both socially and commercially, was formed for the purpose of purchasing lands from the natives and (on re-sale) investing a portion of the proceeds in perpetual trust for the descendants of the original owners. A similar association was being proposed at the same time in New Zealand, but it seems, from newspaper reports of meetings, that the local proposals, instead of investing the Maori shares in perpetual trust, contemplate the giving of unlimited power to the Maori shareholders to alienate their interests.

many individuals, has been perpetrated through the instrumentality of a British subject; . . . it is incumbent upon this nation to provide against the repetition of outrages so destructive to the natives, and so discreditable to the British name." . . . This appears to be the "moment to declare . . . that (the nation) will tolerate no scheme which implies violence or fraud in taking possession of such a territory; that it will no longer subject itself to the guilt of conniving at oppression, and that it will take upon itself the task of defending those who are too weak and too ignorant to defend themselves. . . . He who has made Great Britain what she is, will inquire at our hands how we have employed the influence He has lent to us, in our dealings with the untutored and defenceless savage; whether it has been engaged in seizing their lands, warring upon their people, and transplanting unknown disease and deeper degradation . . . or whether we have, as far as we have been able, informed their ignorance, and invited them, and afforded them the opportunity of becoming partakers of that civilization, that innocent commerce, that knowledge, and that faith with which it has pleased a gracious Providence to bless our own country."

With these premisses Mr. Gladstone's studies in colonization began; and after brief space New Zealand became, in terms of a solemn treaty, an appendage to the British Crown. The Marquis of Normanby's instructions to Hobson conformed to the recommendations of the Committee. Lord John Russell, who succeeded him, "entirely approved" of Hobson's fervent protestations that the natives might implicitly rely on the good faith of the Imperial Government. Lord Stanley, besides rebuking the New Zealand Company in the noble words already quoted, "in the name of the Queen utterly" denied that the treaty was or could have been made to be slighted in a disingenuous or unworthy manner, and commanded Sir G. Grey "honourably and scrupulously to fulfil" its conditions. In 1846, Mr. Gladstone wrote to the Governor of New Zealand: "I conceive it to be an undoubted maxim that the Crown should stand in all matters between the colonists and the natives," and he "highly approved" the Governor's announcement that the treaty would be scrupulously respected by the Crown. In 1847, he condemned in Parliament the slighting of the Waitangi compact as that which



"has been called the treaty. . . . As far as England is concerned there is not a more strictly and rigorously binding treaty in existence than that of Waitangi." Even Earl Grey was constrained to inform the Maori chiefs that "Her Majesty has always directed that the treaty should be most scrupulously and religiously observed." The Duke of Newcastle, though entangled in the sophistries woven by Governor Browne's advisers, never succumbed to the unworthy doctrine that the solemn engagements of the Queen should be violated. Mr. Cardwell nobly redeemed the Colonial Office from the temporary shame which had besmirched it. Earl Granville's morality was too feeble to spur him to a just indignation when an individual suffered wrong, but even he never countenanced the idea that the Queen's faith plighted to a whole race should be dishonoured. This it was reserved for Lord Kimberley to do, under the favour of Mr. Gladstone.

Echoes from New Zealand had reached him. One representative looked to "extermination" as the road to peace; another, noted for exploits against women and children, boasted that he could speak as the representative of the Queen. One said in the Assembly in 1879: "We have nothing to do with the treaty of Waitangi. We have to do with our business, and not with what was done thirty or forty years ago." Another, in 1882, expressed in the same place a hope that the treaty would "in future be relegated to the wastepaper basket, which is about the only place it ought to be seen in." Lord Kimberley, who had in 1881 promised "if possible" to deprive the House of Commons of information, and had been faithful to that abject promise, was an apt pupil of the New Zealand plotters. In order to please them it was necessary to reverse the noble language of Lord Stanley,<sup>1</sup> and he reversed it. His reply to the appeal of the chiefs that the treaty might be regarded, was practically, if not in express words:—"In the name of the Queen I utterly assert that the treaty entered into, and ratified by, Her Majesty's command, was made in a disingenuous spirit, and for an unworthy purpose. The Governor shall not honourably or scrupulously fulfil the conditions of the treaty of Waitangi. I

<sup>1</sup> Lord Stanley's decisions are to be found in vol. i. pp. 303 and 397.

am prepared, as Her Majesty's Secretary of State, to join in setting aside the treaty, after having obtained the advantage guaranteed by it. This is the respect due, in my opinion, to obligations contracted by the Crown of England, and as long as I have the honour of serving the Crown I am ready to admit that any person, or any Government, acting in the name of Her Majesty, can contract a legal, moral, or honorary obligation to despoil others of their lawful and equitable rights."

If in the dreary record of successful crime contained in the hundreds of pages which found their way into the hands of members of Parliament on the 2nd November, 1882, there had been one word of rebuke, or even of remonstrance on his part, Lord Kimberley might escape censure for complicity in the raid upon Parihaka; but no such palliation can be found. If none can be produced, it must be concluded that, deaf to all appeals for justice, neither writing nor uttering one word to show that he prized the honour of his country or his Queen, the Earl, fully acquainted with the facts, has chosen that path of dishonour and disgrace which blots the history of New Zealand.

*Statistics of 1880, compiled in Office of Registrar-General, New Zealand.*

Population.			Percentage of Deaths per 1,000.	Immigration.	Emigration.	Number of Parliamentary Electors.	Miles of Railway open.	Miles of Electric Telegraph in use.
Male.	Female.	Total.						
268,364	216,500	484,864	11.48	15,154	7,923	83,851, of whom 830 were Maoris.	1,288	3,753
Maori . . . . .		44,099						
		528,963						

PUBLIC DEBT.			REVENUE.			EXPENDITURE.	
Amount in Circulation.	Amount of accrued Sinking Fund.	Net Indebtedness.	Ordinary.	Territorial.	Total.		
£28,583,231	£2,000,320	£26,582,910	£2,895,128	£389,914	£3,285,042	£4,019,850	

Value of Exports.	Value of Imports.	Tonnage, outwards.	Tonnage, inwards.	Value of Wool Export.	Value of Gold Export.	Value of Kauri Gum Exported.	Wheat, Provisions, Tallow, Timber, &c.
£6,352,392	£6,162,011	424,041	395,675	£3,169,300	£1,220,263	£242,817	£1,454,303

SAVINGS BANKS.					BANKS.		
Horses.	Cattle.	Sheep.	Pigs.	DEPOSITS.		Notes in Circulation.	Notes and Bills Discounted.
				Number of Depositors.	Amount deposited.		
137,768	578,430	13,069,338	207,337	47,462	£1,148,992	£918,297	£4,627,098
					£4,701,512	£2,166,578	£6,601,767
					£3,278,343		
					Bearing Interest.	Debts due to Banks.	
					Not bearing Interest.		
					Coin and Bullion.		



Acres of Land in Provincial Districts and Colony.	Area Sold from Foundation of Colony.	Money received from Land Sales.	Land held by Crown Tenants for Pastoral Purposes.	Acres under Cultivation with Wheat, Oats, and Barley.	Average yield of Wheat per Acre. Bushels.	Average yield of Potatoes per Acre.
Auckland . . .	17,000,000	3,407,499	11,801,154 acres.	702,035	25.50	4.75 tons.
Taranaki . . .	2,290,000	315,109			22.75	
Hawke's Bay . .	2,950,000	1,033,696			21.50	
Wellington . . .	7,000,000	1,897,729			20.75	
Marlborough . .	2,560,000	852,895			21.25	
Nelson . . .	7,000,000	1,028,167			18.25	
Westland . . .	3,045,760	119,500			only 4 acres grown	
Canterbury . . .	8,623,069	3,433,069	This item is extracted from the Year Book of Mr. Hayter, Government Statist of Victoria.	23.75	23.75	—
Otago . . .	16,036,400	3,330,060			29.75	
Chatham Islands	241,000	—			—	
	66,818,160	15,417,724				

*Mean Temperature in each month of 1880.*

	January.	February.	March.	April.	May.	June.	July.	August.	Sept.	October.	November.	December.	Mean of the Year.
Mongonui . .	70.8	71.7	67.4	64.4	60.3	55.6	55.1	54.1	58.2	58.9	63.8	66.4	62.2
Auckland . .	67.5	70.0	67.0	63.5	58.4	53.1	52.0	52.0	56.1	57.1	61.2	63.5	60.1
Wellington. .	63.0	65.2	61.2	57.8	54.1	49.2	48.8	48.3	53.0	53.3	59.9	60.6	56.2
Nelson . . .	64.8	65.4	60.1	58.2	52.6	47.2	47.0	47.8	53.3	55.4	59.8	60.9	56.0
Christchurch .	62.9	62.5	58.6	55.9	50.7	43.3	43.8	45.4	51.1	52.3	59.7	59.8	53.8
Dunedin . . .	59.0	59.3	56.6	54.7	48.1	45.1	44.8	45.2	51.2	49.8	55.9	54.7	52.0

1882.

## NEW ZEALAND.

## WEST COAST NATIVE AFFAIRS

(PAPERS RESPECTING) [EXTRACTS FROM]

*Presented to both Houses of the General Assembly, by Command of His Excellency.*

## I.—THE GOVERNOR'S REPORT TO THE COLONIAL OFFICE.

No. 1.

His Excellency the GOVERNOR to the SECRETARY of STATE for the COLONIES.

(No. 11.)

Government House, Wellington,

MY LORD,—

New Zealand, 26th February, 1881.

I fear that your Lordship will consider me to have been extremely dilatory in complying with the instructions contained in your Lordship's Despatch No. 36, of the 22nd October last, directing me to prepare a full report upon the "Native Disturbances of 1879 and 1880, and the measures taken by the Government of New Zealand in consequence of them."

2. My excuse for delay must be found in the extreme difficulty which I have experienced in obtaining information which it appeared to me essential that I should possess before undertaking such a task.

3. The Minister for Native Affairs has afforded me material assistance, and has shown no reluctance to place in my hands official documents in his possession. On the contrary, all papers in his office have been freely placed at my disposal. But these papers are themselves too imperfect to permit me either to compile from them so clear a narrative of facts as I should wish to present, or to draw from them conclusions so definite as those I should desire to form. Members of the Colonial Government themselves, though aided by their local knowledge, and familiarity with the public events of the last ten or twenty years, not infrequently experience difficulty in ascertaining with precision the history of past transactions, even in the departments over which they themselves preside; and I need

hardly say that what is difficult to them becomes almost impossible to those who, like myself, possess no similar advantages.

4. The communications which pass between the central Government, and its officers in the different provinces, appear in a great measure to be made by telegraph, whilst not a little important business is conducted orally, and no official record remains of the information received, agreements made, or orders given in that manner. Written instructions seem to have been but rarely sent to those engaged in the transactions which I am directed to narrate, and as few written reports to have been received from them. Telegrams to and from the Ministers of the day have been sometimes regarded as private communications, and sometimes as public documents; whilst, when treated as official, they have not always been filed as records at the time of being received. It cannot therefore be a matter for surprise that in these circumstances they should occasionally be altogether lost.

5. I have turned over many hundred telegrams despatched and received during 1879 and 1880, and have carefully studied the parliamentary debates of the period, as well as the elaborate and most valuable report of the Royal Commission appointed in 1880 to investigate the causes of the discontent existing among the Natives of the west coast of the Northern Island.

I have also perused with attention whatever papers, whether printed or manuscript, I could obtain, which appeared likely to throw any light on the subject: but, whilst I trust I may be able to avoid making any positive assertion as to a matter of fact which is inaccurate, I am well aware that my narrative will on many points be meagre and incomplete, and consequently unsatisfactory.

6. Your Lordship does not require to be told that, in 1860, an unfortunate difference with regard to the proprietorship of a piece of land at Waitara, and the determination of the Government of the day to impose by force the view which it had adopted, led to hostilities with a large portion of the Maori race, which lasted with little intermission till 1865. In the month of September in that year, after the restoration of peace in the Province of Taranaki, the extensive district indicated in the accompanying map was, by Proclamation, declared to be confiscated to the Crown, under the provisions of "The New Zealand Settlements Act, 1863;" but from the operation of this confiscation the lands of loyal Natives were expressly excluded by the Proclamation itself, which also contained a promise that lands would be restored or granted to those in rebellion who submitted themselves within a reasonable time to the Queen's authority. This Proclamation is, however, in some respects, not altogether easy of interpretation. It declares that, under it, "No land of any loyal inhabitant within the said districts, whether held by Native custom or under Crown grant, will be taken, except so much as may be absolutely necessary for the security of the country, compensation being given for all land so taken;" and, further, that "all rebel inhabitants of the said districts who come in within a reasonable time, and make submission to the Queen, will receive a sufficient quantity of land under grant from the Crown."

7. Now, although this language would be intelligible enough, did it



relate to land owned by individuals, it is less easy to understand in the case of Native ownership, where the interest of each man in the tribal land is, generally speaking, only that of a share in a joint proprietorship. Whatever else it meant, however, it is clear that, to borrow words used by Sir F. Dillon Bell in the Legislative Council, "It is untrue to say that the whole of the land between the Waitotara and the White Cliffs has been confiscated. It never has been confiscated." [The Proclamation] "confiscated the land of those in rebellion, but it not only did not confiscate the land of those that remained loyal, it conserved their rights, and made the express promise to them that their land should not be taken." Moreover, under what the Royal Commissioners of 1880 justly call the "very liberal arrangements of the Government" of 1869, a large number of those who had taken part in the rebellion returned to the land in expectation of the grants promised to them.

8. Three years later, fresh hostilities took place in this district, which were, however, altogether brought to a close in the following year.

9. After the suppression of this outbreak, the southern part of the confiscated district, that lying between the Waitotara and Waingongoro rivers, was speedily reoccupied by the settlers whom the war had temporarily expelled, and by the friendly Natives who had previously inhabited it, to whom definite reserves were duly assigned, whilst all who had taken part in the insurrection were prevented from again returning to the locality.

10. But the next great division of the confiscated territory,—that, namely, between the Waingongoro and Stoney river,—was very differently dealt with. In that district there were practically, with few exceptions, no white settlers. There were, however, Natives who had remained loyal, and who were therefore entitled to retain their lands; and, while, on the one hand, the land comprised between these boundaries was declared to be, "although nominally confiscated," unavailable for settlement (excepting one township) "until arrangements should be made with the Natives for land sufficient for their own requirements," on the other, large numbers of Natives formerly belonging to the district, but who had taken part in the rising, rapidly returned to it, and those rigidly excluded from the district south of the Waingongoro sought a refuge among them.

11. This reoccupation of the country took place with the tacit, or more than tacit, permission of successive Governments; and it was generally understood, and indeed officially recorded by Sir D. McLean, that the confiscation of lands between the Waingongoro and Stoney river had been abandoned by the Government, even if no actual announcement that this was so were made to the Natives. That it was determined to restore it to the Native owners we are expressly told by Sir G. Grey, but whether that intention was directly or indirectly made known to those whom it concerned must remain uncertain.

12. Between 1872 and 1875, 185,000 acres of land between the Waingongoro and Waitotara were purchased from the Natives,—an apparent recognition of their title,—whilst every year which passed without a grant of the special reserves promised by the Proclamation of 1865 naturally deepened the impression that the Government had waived all claim to any

part of the district. Still, the confiscation was never formally removed, and the Natives were informed by Major Brown in 1876 that "the Government possessed a right to do what they pleased within the confiscated boundaries," an announcement which the terms of the Proclamation of 1865 would hardly appear to justify.

13. In 1877, and before any arrangement had been effected as to the relative interests of the Government and the Natives in the land, it was determined to survey and sell a portion of this district. The Royal Commissioners are clearly of opinion that no difficulties would have arisen in the attainment of these objects had the Natives been previously consulted, and ample reserves assigned to those entitled to anticipate them. This precaution, however, was not taken, and it is clear that great uneasiness existed in the minds of the Natives as to the intentions and claims of the Government, as to which it appears, from the report of the Royal Commissioners, that they were left in complete uncertainty. They knew that no steps had been taken to carry out the promises of 1865, and that the Government had hitherto acquiesced in their undisturbed occupation of the whole district in question. But they were also aware that no formal abandonment of the confiscation had taken place, and that there were those who maintained that every acre of the land, including even that inhabited by Natives who had been uniformly loyal, was in truth the property of the Crown, and might be resumed by it at pleasure. The act of the surveyors employed, in taking a road-line for apparently insufficient reasons through a large fenced enclosure belonging to the chief Titokowaru in March, 1879, without his leave and in spite of his objection, appears to have augmented the alarm of the Natives, and to have caused very great uneasiness as to the intentions of the Government, and especially to the chief Te Whiti, whose action and authority have so largely affected the events with reference to which I shall now have to write. It therefore becomes necessary to give some account of the character and position of this remarkable man.

14. Te Whiti, though himself a chief, is not one of the highest rank, and owes his power mainly to his individual qualities. He was one of those who had declined to take part against the Government in 1865, though many, if not most, of his tribe then did so. In 1868 he successfully used his already large influence to keep back those who were under its authority from joining the outbreak under Titokowaru, during the whole continuance of which he and his people remained quiet at Parihaka. The next ten years witnessed the rapid growth and development of his influence. Educated by a Lutheran missionary, and deeply versed in the Scriptures, he has, nevertheless, whilst professing not to have abandoned the Christian faith, preached a vague and mystical religion, of which he is himself the prophet. Eloquent and subtle, and animated by an unquestionably earnest patriotism, he has for many years exercised a powerful, and, for the most part, beneficial, sway over the hearts and lives, not only of his own tribe, but of a large section of the Maori population. Where his influence extends, drunkenness is unknown, industry is exacted, and peace sedulously inculcated.

15. The Natives, say the Royal Commissioners, "had every reason to

believe that the land would be sold without any reserves being made for them ; " and it is clear that Te Whiti shared this belief, and would have been far from unwilling to accept adequate reserves, to which, at least, as one who had never borne arms against the Crown, he was indisputably entitled. He inquired on the 3rd April, 1879, of Mr. Mackay, the Government Agent, whether that gentleman was authorized by the Government to offer him a part of the land, and agree for them to take the other part. " It seems to me," he added, " from the way that the surveys are being conducted, that you wish to take the whole of the blanket and leave me naked."

16. To this overture no reply was returned, and Te Whiti appears to have come to the conclusion that the attention of the Government would only seriously be attracted by a demonstration which could not be ignored or trifled with.

17. On the 25th May, 1879, a small number of unarmed Maoris commenced ploughing a piece of land belonging to a Mr. Courtney. " This land," we are told by Sir George Grey, then Premier, " is part of No. 5 Oakuru Block, given by the Crown to military settlers after the war. It belonged, however, to friendly Natives as well as to rebels. The former, by a signed agreement in 1866, undertook to accept as compensation 1250 acres of land within the block and 3600 elsewhere, no portion of which has yet been given to them ; . . . the land being ploughed had been acquired from Natives whose land could not have been lawfully confiscated, under a promise of compensation which has remained for thirteen years unfulfilled."

Other fields, belonging to other settlers, were also ploughed : of these another member of the Government, Colonel Whitmore, C.M.G., asserted that " the land ploughed was in each case land bought, not confiscated, and had, moreover, for fifteen years remained without being paid for ; " but, although this may have been true as regarded the cases he had more especially in view, he certainly must have been incorrectly informed as to its general application.

18. Similar proceedings to those at Mr. Courtney's took place at a Mr. Livingstone's, and on one or two other estates, the Maoris not contenting themselves with turning one or two furrows, but returning obstinately, though quietly, day after day, until the whole field had been ploughed up.

19. These proceedings were certainly conducted with Te Whiti's knowledge and approval, and probably by his direct order, though this has never been proved, and has by some been doubted.

20. The Government of Sir George Grey found itself placed in a situation of great difficulty by these proceedings. The settlers were naturally much excited and exasperated, and had made up their minds, though I believe mistakenly, that these acts of deliberate trespass were intended by the Maoris to provoke a fresh Native war. Mr. Courtney, the day after the ploughing began, telegraphed to Sir George Grey, that, " if the Government did not remove the Natives at once " he would " shoot their horses and the Natives also." Others expressed themselves in a similar sense ; and one gentleman went so far as to discuss, in a telegram to the Premier, a plan for the division, among those engaged in the war about to begin, of



the lands to be confiscated under it. The County of Patea passed resolutions demanding of the Government that on the outbreak of hostilities all *friendly* Maoris might be immediately deprived of their reserves, and sent out of the county, and that it might be declared "free of friendly Maoris," which, I suppose, means a request that the presence of any Maori whatever within it may be forbidden in time to come.

21. On the other hand, the Maoris, whatever the motives which originally prompted them, had clearly gone far beyond any action required to set up a formal claim on their part to the land, and it was manifestly necessary to put a stop to proceedings which so seriously imperilled the peace of the district. In these circumstances the Government of Sir George Grey acted, I think, not injudiciously. It cannot be a matter of surprise or of blame that they should have hesitated to comply with the demand urgently made for the general arming of the whole white population of the district and their enrolment as a military force, steps which must almost inevitably have led to collision between the races; or that the threats made of shooting those engaged in trespass should be quietly rebuked: but after three or four weeks' delay, during which efforts were made to ascertain the object of the demonstration, and hopes no doubt entertained that it would be voluntarily discontinued, orders were at length given on the 22nd June for the arrest of those engaged in the ploughing of granted lands, a step absolutely requisite to prevent an actual breach of the peace between the settlers and Natives.

22. On the same day, and before the receipt of these orders, an armed party of settlers had forcibly removed the Maoris engaged in ploughing up the lawn of a Mr. Livingstone. The Natives did not actively resist their removal, but returned again when released. They were again removed and again returned, and the first arrests were made on the 30th June, when seventeen of the ploughmen were taken into custody by the Armed Constabulary. The arrest of those engaged in ploughing on a charge of wilful damage to property was, it seems to me, amply justified by the persistence with which the trespass was repeated, and the extreme danger to the public peace which would have attended a repetition of forcible ejectments by the owners of the land.<sup>1</sup>

The mere arrest of the trespassers, however, by no means satisfied the more ardent of the settlers. A fortnight later, when arrests were made wherever ploughing was attempted, threats of shooting the ploughmen were still made. Mr. Livingstone telegraphed to the Government that it "was not his determination alone to shoot, but that of the settlers to a man almost," and that he "approved of the sentiment."

23. No resistance was offered to the arrests made by the Constabulary, but the ploughing was not discontinued in consequence of them. The first arrests, as I have said, took place on the 30th June, and for nearly a month longer, parties of Maoris, generally twelve or fifteen in number, and never

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<sup>1</sup> How serious the risk may be judged from a telegram to Sir G. Grey from a meeting of Justices of the Peace and others, to the effect that at the end of ten days, "of which two are already passed," the Natives, if they "persisted in molesting property," would be "shot down."

exceeding thirty-four, from time to time, at irregular intervals, commenced ploughing in different localities, always submitting quietly to the arrest which inevitably followed. These singular proceedings took place on ten properties owned by private parties, and on a paddock occupied by the Armed Constabulary. Altogether, 180 Maoris had been arrested, when at the end of July the ploughing wholly ceased. Of those arrested, forty were tried for malicious injury to property, condemned to a term of imprisonment of two months, and required to find sureties to keep the peace for ten months more, which they could not do, and consequently had their imprisonment prolonged for that period. The remainder were committed for trial at Wellington; but before the date fixed for the trials, an Act ("The Maori Prisoners Act, 1879") was passed by the General Assembly, authorizing the Governor to determine where and when they should be held. This Act, which was passed at the short session held immediately before the dissolution of the Assembly, in August, 1879, was to remain in force only until thirty days after the reassembling of Parliament.

24. I have not been able clearly to ascertain why, having obtained a conviction, and a sentence of a year's imprisonment, against a considerable number of these men, the Government shrank from bringing the remainder to trial; nor (Sir G. Grey's Government having left office on the 8th October), is it now possible to say with confidence whether the allegation that all that was contemplated by the original Act was the postponement of the trials for a short period, and that they were then intended to take place before the Supreme Court in the ordinary manner on the expiration of the Act, is well founded. Another Bill, the "Peace Preservation Bill," making such proceedings as those of the ploughmen, punishable by a year's imprisonment, and giving large powers of arrest and detention to the Government, passed the House of Representatives without a division, but was strongly opposed in the Legislative Council by Sir F. D. Bell, and was thrown out by a majority of ten.

25. On the Assembly of the new Parliament in October, a change of Government took place. The Maori Prisoners Act was allowed to expire, but the prisoners were not tried, and in December, an Act, which was in fact two separate Acts somewhat clumsily put together ("The Confiscated Lands Inquiry and Maori Prisoners' Trials Act, 1879"), passed the Legislature, by the first five clauses of which a Commission of inquiry into the alleged grievances of the Natives on the West Coast and the causes of the recent demonstration was constituted, while the last four virtually re-enacted the provisions of the expired Act, which it revived. Similar professions to those made in July, that the trials were only postponed, and that but for a short time, were made on this occasion. The Bill, however, was not received with the same acquiescence as its predecessor, nor did it pass without opposition. It was urged by Mr. Stewart, one of the members for Dunedin, that, if these men had committed an offence, they should be brought to trial for it, and that, if they had not, they should be released. Others alleged that they could see no reason for the measure which would not equally apply to the permanent detention of the prisoners; others, again, urged that they had really been guilty of no crime—"that where a

man acted *bonâ fide* in the exercise of what he believed to be a right, even though that right had no existence in fact, yet, if that right was one which might have existed in law, and he *bonâ fide* believed he was acting in pursuance of that right, he was protected, and was not amenable to the criminal law of the country." Sir G. Grey pointed out forcibly the objections to combining in one Bill two totally distinct measures; and all the Native members protested against the delay of the trials. On the other hand, it was urged that, though the offence with which the prisoners were charged, and of which alone they were formally guilty, was slight, the real cause of their arrest was a dangerous opposition to Government; that, if they had been detained a long time in gaol awaiting trial, so sometimes were Europeans; that if they were released the chances of war between the two races at an early period would be increased, and that it would, as a matter of fact, be most dangerous so to release them. An amendment was agreed to, limiting the date to which the Governor could postpone the trials to the time during which the Act was to continue in operation, that is to say, until the next meeting of Parliament and for sixty days thereafter; and on a division the Bill was passed in the House of Representatives by fifty-eight votes to thirteen.

26. In the Legislative Council the measure passed without opposition, but a somewhat remarkable speech was made by Sir F. D. Bell, in which he pointed out in very forcible terms the injustice done to the Maoris by delays on the part of successive Governments, and by the breach of promises made to them: but, whilst protesting against the indefinite detention of the prisoners, he recognized the danger of releasing them, and (with the amendment already agreed to in the House of Representatives), voted for the Bill. Both the Native Minister, in the House of Representatives, and the Attorney-General, in the Legislative Council, without absolutely denying, appeared to discredit, the existence of grievances, and held out strong hopes that the trials would take place before the next session of the Legislature.

27. When, however, Parliament reassembled in June, 1880, the prisoners had not been tried. By a Proclamation of the Governor, the trials had first been fixed for the 5th of April, and subsequently postponed to the 5th July, and were on the 29th June further postponed till the 26th July. On the 15th July the Minister for Native Affairs proposed a fresh Bill to authorize the further detention of the prisoners, avowing, as he did so, that he now "intended to drop the provisions with regard to trial altogether, which he considered to be a mere sham."

28. This Act ("The Maori Prisoners Act, 1880") recites the substance of the previous statutes, and enacts that all Natives committed and waiting for trial to whom the Acts referred, as also all other Natives detained in custody for default of entering into sureties to keep the peace, should be deemed to be in lawful custody, and may be lawfully detained. It further provides that the Governor may direct the discharge from custody of such prisoners on such conditions as he may think fit; and that, if such conditions should not be observed by any Native so liberated, he may be rearrested by a warrant from the Minister for Native Affairs, and returned to his former custody.



29. The duration of the Act is limited to the 1st October, 1880, but power is given to the Governor to extend its operation for any period not exceeding three months at one time, until the close of the next following session of Parliament.

30. More opposition was offered to this measure than to that of 1879. The Minister for Native Affairs gave two reasons for its adoption. "The reasons," said he, "generally speaking, why these men are kept in custody at the present time are two in number. It is clear that if they were released from custody and allowed to go to their homes their conduct would be turbulent—judging from experience of facts—and would be likely to tend to a breach of the peace. That is one reason. The other is that the safe custody of these men is a guarantee against depredations and crimes being committed on that coast." He further urged that if brought to trial they would, if convicted, receive very slight punishments, and that it was essential that power should be given to the Government to detain them so long as it was deemed necessary for the interest and safety of the colony; and that, though the technical offence committed might be a slight one, those arrested had really been guilty of something little short of treason.

31. On the other hand, it was contended that there was a great difference between postponing a trial, and altogether dispensing with one; that the right to such an inquiry should not be summarily set aside; that without such inquiry it was impossible to say who were innocent and who were guilty; that, in fact, a most friendly chief (Wi Kingi Matakatea), and many friendly Natives, had been so arrested; and that others as innocent might be indefinitely and ignorantly detained under the provisions of the law. It was also urged that the inquiries of the Royal Commission had shown that the Maoris had many and substantial grievances to complain of, which, in all probability, would never have secured notice had it not been for the act committed by them; and that consequently great clemency should be shown them.

32. On a division, forty-eight votes were given in favour of the Bill, and thirty-four against it, counting pairs on both sides. In the Legislative Council it passed without a division, except in Committee. It was justified by the Attorney-General, and attacked by Messrs. Waterhouse, Tairaroa, and others, in speeches which repay perusal.

33. This Act was passed on the 25th July. It referred, of course, only to prisoners already in custody; but a few days later (5th August), another short Act (Maori Prisoners Detention Act, 1880) was adopted providing that all Natives who had been since the 19th July, or who might after the passing of the Act, hereafter be arrested, "by authority of the Government," in the district included within the Proclamation of Confiscation of 1865, should be deemed to be detained under the provisions of "The Maori Prisoners Act, 1880." This Act was passed through all its stages in the House of Representatives in one day, but not without opposition. The Native Minister in introducing it requested that it should be passed without discussion. He explained that the reason "why the Government wished the Bill to be passed was that they had found it necessary to make certain arrests on the West Coast, and might have to continue making more arrests in the same way. This step had become necessary in the

opinion of the Government because of obstruction to the formation of a road over confiscated land." Sir G. Grey pointed out that the Bill "amounted to a general warrant for the apprehension of all persons of all ages and sexes for offences which were not named at all—in fact, they might be arrested for no offence;" and a warm discussion ensued, which ended in the passage of the Bill by a majority of seventeen. It passed through the Legislative Council with little difficulty.

34. The 2nd clause of this Act specially provided that no person imprisoned under it should be detained in prison beyond the 1st October, 1880; but a clause was introduced into another Act—the "West Coast Settlements Act"—passed a few days later, which was intended to reverse this apparent concession, and presumably did so, though the fact is not wholly clear.

35. The "West Coast Settlements Act" was introduced mainly for the purpose of enabling the Government to give effect to the recommendations of the Royal Commission, which had in the mean time made its report, and had clearly shown that the grievances of the Natives were by no means visionary, but real and substantial. The remedies suggested by them required legislative sanction, and the Bill in question was prepared in order to confer the necessary powers on the Executive Government. The same process of tacking together two different subjects in one Act, by which the Confiscated Lands Inquiry and Maori Prisoners Act of 1879 was formed, was however again had recourse to, and, along with the grant of these powers to the Government, it was provided that any person obstructing any person authorized by the Government to do anything in pursuance of the Act, destroying or removing any survey-peg, fence, or building, erecting any fence, or ploughing or disturbing any land in such a manner as to impede its lawful occupation, or destroying the surface of a road, or placing any obstacle thereon, or who assembled together armed or unarmed for such purposes, or should be present at the commission of any such offence and might *reasonably be suspected* to be present for any such object, should be liable to two years' imprisonment, and to be bound over to keep the peace for such further time as the Court should think fit. The Bill also contained the singular clause that "The several Natives who have been arrested or shall hereafter be arrested by virtue of the provisions of 'The Maori Prisoners Detention Act, 1880' [passed less than a month previously] shall be deemed and taken to be in custody under the provisions of 'The Maori Prisoners Act, 1880,' and shall be detained accordingly:" that is to say, prisoners arrested under one Act shall, by virtue of the provisions of a second, be deemed to be arrested under a third, all passed in one session of Parliament.

36. The main purpose of the Act was unanimously approved; but the introduction into it of penal clauses led to animated discussion. Strange to say, however, this particular clause excited little notice in the House of Representatives.

37. The Native Minister, in introducing the Bill, although alluding to "police clauses," clauses under which "Natives may be apprehended and tried," made absolutely no reference to the clause affecting those already in prison, and which referred those arrested under one Act to the provisions of another. It was, of course, the object of this clause to set aside the

proviso passed three weeks previously, that no one arrested under the provisions of the Maori Prisoners Detention Act should be retained in custody beyond the 1st October. It may, however, possibly be doubted whether this object is secured. The Maori Prisoners Detention Act is still recognized as that under which the prisoners in question have been arrested; and, so long as the distinct proviso that prisoners arrested under that Act shall not be detained in custody beyond the 1st October remains unrepealed, it appears questionable how far it can be set aside by a clause in another Act relating to a different subject, and which enacts that the prisoners taken under the Maori Prisoners Detention Act shall be treated as prisoners under another Act, which also expires on 1st October. It is true that "The Maori Prisoners Act, 1880," contains a provision enabling the Government to continue it in force for a limited period; but it may perhaps be questioned whether such an extension would apply to prisoners arrested under another Act, whose term of imprisonment under that Act had expired, although the proviso in question might regulate their treatment until that period. The intention of the clause is clear, from the Attorney-General's speech in the Legislative Council.

38. It will be perceived that four different classes of persons are affected by the Acts now in force:—

- (1.) Those committed for trial by a Magistrate in 1879, but as yet untried.
- (2.) Those unable to find sureties to keep the peace on the expiration of the sentence legally inflicted on them in that year.
- (3.) Those who have been or may be arrested by an order of the Government on any charge, or indeed on no charge at all, in a certain district of the colony.
- (4.) Those convicted under the provisions of the West Coast Settlements Act.

39. I must now recur to the circumstances which led to the passing of "The Maori Prisoners Detention Act, 1880," and to the preparation of the penal clauses in the West Coast Settlements Act.

40. After the cessation of the ploughing operations at the end of July, 1879, the survey of the Waimate Plains for sale, and the construction of the road through the Parihaka District, were steadily prosecuted under the protection and with the labour of a party of Armed Constabulary. No event of importance occurred until May, 1880, when, unwarned by previous experience, the road was taken through a fenced field in the occupation of Maoris.

41. On the 9th June, 1880, Colonel Roberts, the commanding officer of the Armed Constabulary, telegraphed that the Natives had "repaired one of the fences broken down when the road-line was taken across through the Parihaka clearings," and, on the 11th, that the Natives had "erected another fence, but I do not think it is in any way connected with blocking up the road, but simply as a divisional fence."

42. On the 16th he reports that "gaps will be made through three fences to-day." Two of these three fences were those of a field in which the crops of the previous year were stored, and which had been prepared to be sown with corn, and the other that of a paddock which required but



one fence, the other side being protected by water. On the day following, these gaps were filled up again by the Maoris, and for about a fortnight, the fencing across these three gaps was repeatedly pulled down, and as repeatedly re-erected.

43. On the 28th June, Colonel Roberts telegraphed as follows: "Te Whetu, Te Whiti's secretary, and another Native, sent word that they wished to speak to me. I met them where the road is made through the fence. They asked me to put up a gate. I pointed out to them that a gate would not save the crops—suggested they should fence the road off. They said that it was too much work, and that they could not do it. I pointed out that it would not take long if they brought as strong a party as they had to-day. They replied that it would not take long if the soldiers would help. I agreed not to let the pigs into the sown paddock to-night, and to report to you. Te Whetu and party will return to-morrow for further talk. Please instruct me in the mean time. I am of opinion that the Natives would be willing to fence the road off if we assisted. The men seem to be in a very reasonable and talkative mood, and if carefully treated would be willing to come to reasonable terms. Te Whetu informed me that they would be sowing wheat to-morrow in the piece of land bounded by the fence where the Natives said he would not put it up again. Te Whetu wanted me to meet him there to-morrow. I refused, and told him he would have to come to me, to which he agreed." The following day was a wet and stormy one, on which no work could be done, and the interview did not take place.

44. On the 15th July, Colonel Roberts says, "Road party to-day employed between second Parihaka road from here and the Waitotaroa river. Had the fence pulled down. Two Natives came to put it up, stating that they did not want to stop the road, only to protect their crops. After a great deal of talk they asked if I would allow the fence to be put up high enough to keep out the pigs, and consented to have the fence in that state for the night. They are willing to put up a swing-gate. That question I did not settle. Told them that I would give them an answer to-morrow. Judging from their manner, I think a swing-gate would satisfy them. Please let me know if you will authorize such being done."

45. I have been unable to find the reply sent to this telegram, but its nature is shown by a telegram sent by Colonel Roberts on the following day: "16th July.—Met Te Whetu and other Natives at the fence. I told them that you would only approve of a gate as a temporary measure until they had fenced the road off. He said that it was for us to fence—that he would not; that he would put it up as often as we took it down."

46. On the 30th June, Colonel Roberts had inquired whether he should arrest those who built the fence, and had received authority to do so. I cannot find, however, that any actual arrests took place before the 24th and 25th July, when a considerable number of Maoris were arrested at the fences. These men, of course, did not come under the provisions of "The Maori Prisoners Act, 1880," already passed, and which referred only to those already in custody; and the short Act above referred to, "The Maori Prisoners Detention Act, 1880," was hurriedly passed to meet the

case, and to give power to the Government to detain, as prisoners, men whose offence, if a legal offence at all, was, as it was admitted, one of the slightest description.

47. A very singular state of things ensued. Almost every day a party of unarmed Maoris, sometimes three or four, sometimes a considerable number, came down to one or other of the fences and commenced fencing across the gap, when they were immediately arrested. They made no resistance, and came down to the work knowing perfectly well that they would be taken prisoners, and that their attempt to re-erect the fence would prove a mere demonstration—a demonstration repeated some forty or fifty times at least.

48. In this course they persevered for nearly two months, during which time 216 of their number were arrested and despatched to different gaols in the Southern Island, under the Maori Prisoners Detention Act. Of this number, fifty-nine, who were arrested after the passing of the West Coast Settlements Act, were sentenced to two years' imprisonment under the penal clauses of that law. The last arrests took place on the 4th of September; but barriers continued to be frequently placed across the gaps, and the same process of fencing and pulling down might perhaps have continued to the present day but for a change in the form of the proceedings of the Natives. On the 12th November, the Maoris appear to have hit on an expedient which, had it been sooner adopted, might have saved much irritation, and preserved the liberty of those now in prison.

49. On that day, the Maoris, instead of, as usual, erecting a solid fence across the road, put up slip-rails, which, of course, sufficed to keep animals out of the growing corn, yet which could be taken down to allow the passage of any horse or wagon using the road. Colonel Roberts telegraphed for instructions, and was very wisely told to allow the slip-rails to remain.

50. Since that date there has been no further attempt at fencing. No obstruction has in any other ways been at any time offered to the road-makers.

51. Such is a brief, but, I believe, not inaccurate, account of the transactions on the West Coast during the last two years, and of the legislation consequent thereon.

Of the prisoners taken, 79 have since been released—56 of those engaged in ploughing, and 23 of those arrested for fencing.

52. My stay in New Zealand has been of such short duration that I hesitate to express, or even to form, any very confident opinion on the questions I have dealt with.

53. What was indeed in 1879 the actual position of the lands within the confiscated territory it would be very difficult to determine. That, as regards the district between the Waingongoro and Stoney river, the confiscation had for ten years been practically abandoned is a patent fact; but it had not technically been so, and, indeed, there has for some years past existed no machinery by which such confiscation could be formally reversed. It is, however, most important to observe that, whilst it is admitted that the confiscation did not touch the property of loyal Natives, no attempt had ever been made to define the localities or limits of such

property. That the Crown, consequently, if the rights it had acquired by confiscation were still insisted on, possessed land, and that the Natives also possessed land, within the district in question, was clear; but, with regard to any particular spot or area, except perhaps what was actually in use and occupation, it would have been difficult to say with confidence that it was the property of either.

54. I have no doubt whatever that the Royal Commissioners are correct in their conclusion, that the ploughing of confiscated land was resorted to by the Maoris in order to force on the Government the consideration of their claims. Such proceedings have not been unusual in a similar state of society from the earliest times, and it is far from improbable that the idea may have been suggested to Te Whiti, who is a most diligent student of the Bible, by the example of the mode employed by Samson to compel the attention of the Philistines to his grievances. It may also be remarked that, if this was their object, it was completely successful. The proceedings of the ploughmen undoubtedly led to the appointment of the Royal Commission, and that Commission at once recognized the existence of the grievances, which had been derided as imaginary and unreal, which had remained for so many years unnoticed, and which, except for that Commission, would probably be yet undealt with, but which are now in the course of rapid and satisfactory adjustment.

55. But, whilst the Maoris would have been amply justified in taking such steps as might have raised an issue as to the ownership of the land in a form which could not be overlooked, the persistence of their proceedings, the shape they took, and the alarming excitement created by them, rendered the forcible action of the Government imperatively necessary. It appears to have been delayed as long as possible, and I believe a disastrous war to have been escaped through its means.

56. In the subsequent dispute with respect to the fences,—a dispute which I cannot dignify by the name of “disturbance,” and which was, in fact, a quiet persistence in the assertion of rights of occupation,—the Maoris appear to me to have been substantially in the right, although undoubtedly wrong in the mode they took to assert their pretensions. Te Whiti, as I have before remarked, has never borne arms against the Crown, and he and others in the like situation are undoubtedly entitled to the full enjoyment and possession of their lands, even if situated in confiscated territory. The surveyors appear to have assumed that the land was altogether in the hands of the Crown, and to have acted on that assumption with somewhat unnecessary rigidity. Te Whiti, on the other hand, seems to have had no objection to the construction of the road, but to have been jealously apprehensive of claims which might be pushed to such an extent as to leave him landless and powerless.

It is difficult to believe that a conciliatory temper and a little common sense would not have easily arranged the difference at its commencement, either by then adopting the arrangement ultimately effected, or by directing the Armed Constabulary to fence the sides of the road where it passed through cultivation, a concession which, it seems to me, would have been only reasonable, and which was in the first instance recommended by the late Native Minister to Colonel Roberts. This course was not adopted,



apparently owing to a reluctance to waste the labour of the force employed ; but the amount of time consumed in pulling down the fence erected by the Natives some forty or fifty times, in effecting arrests, and conveying prisoners to gaol, must have been far greater than that which would have been lost had the Constabulary in the first instance performed this labour.

57. But, while I lament the occurrence of a misunderstanding which might I think have been avoided, I am not prepared to condemn the legislation of which it has been the cause. When once these men had been arrested, it is undeniable that their immediate release would have been attended with consequences fraught with danger. The Maoris would have been encouraged to attempt more questionable acts of resistance, and the irritation of the white settlers would have rendered it difficult for the Government to resist the adoption of measures pressed upon them with doubtless the best intentions, but certain to imperil, and almost certain to make impossible, the continuance of peace. I am therefore inclined to think that, in taking authority from the Legislature to detain the prisoners for a short period, the Government of New Zealand adopted the best course open to it.

58. The actual framing of the various enactments, however, appears to me to be open to much criticism, and the infliction of a penalty of two years' imprisonment for the offence of being *suspected* of *an intention* to commit any of the numerous acts made illegal by the West Coast Settlements Act is a provision which has few precedents, and those, precedents of an objectionable character.

59. A considerable number of the prisoners arrested under these Acts have already been released, and I have reason to hope that the greater part of the remainder will be so at no distant date.

60. I have already once extended the operation of "The Maori Prisoners Act, 1880," as advised by the Cabinet, and I shall be prepared to do so once again, so as to continue it in force until the meeting of the Colonial Parliament. But I should experience considerable reluctance in prolonging its operation after that time, without a fresh expression of opinion and fresh action on the part of the Legislature. And it will be with regret that I shall witness the renewal for a longer period of legislation of so exceptional a character, and which, even if it be admitted to be in this instance needful, affords a dangerous example ; for the precedent thus set may be hereafter far more easily followed with less reason, and its abuse afford a cloak to acts of grave oppression.

I have, &c.,

ARTHUR GORDON.

The Right Hon. the Secretary of State for the Colonies.

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## No. 6.

THE PREMIER to HIS EXCELLENCY the GOVERNOR.

*Memorandum for His Excellency.*

THE Premier presents his respectful compliments to the Governor; and has the honour to inform His Excellency that Ministers are of opinion that the publication of the despatch from His Excellency to the Secretary of State for the Colonies, respecting Native matters on the West Coast of this Island, would injuriously interfere with the settlement of any existing difficulties with Maoris in that part of the colony.

For this reason, Ministers think it desirable that the despatch should not, for the present, be made public. They, therefore, respectfully ask that His Excellency will telegraph to the Secretary of State their request that the despatch may not be published at present, and the expression of their hope that any intended publication of the document will be so made known to them, that their opinion as to such publication may reach, and be considered by, the Imperial Government.

Wellington, July 13, 1881.

JOHN HALL.

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No. 7.

HIS EXCELLENCY the GOVERNOR to the PREMIER.

*Memorandum.*

THE Governor has duly received Mr. Hall's memorandum of this day's date, and will comply with the request which it contains.

ARTHUR GORDON.

Government House, Wellington, 13th July, 1881.

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No. 8.

By a telegram dated July 1st, the Governor informs the Secretary of State that Ministers desire not to lay the Despatch No. 11, of February 26, before the Colonial Legislature, and wish its presentation to the Imperial Parliament to be delayed as long as possible.

On the 18th July, the Governor telegraphed requesting that the Secretary of State would inform him beforehand, by telegraph, when the despatch was likely to be presented to Parliament; and repeating that Ministers wished presentation to be delayed.

The Secretary of State replied that he would delay publication, if possible; but that, as the papers had been promised, they must be published if pressed for.

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[N.B. 21st November, 1882.—IN the foregoing Report Sir Arthur Gordon dealt with the earlier stages of the proceedings of, and against, Te Whiti. The later stages, in 1881, were a variation. The Government prepared to sell lands which Maoris had planted and fenced. The Natives replaced, and the Constabulary continually pulled down, the fencing. Search parties went out to seek for something to destroy, and Colonel Roberts recounted the number of rods of fencing destroyed in a day. He almost pathetically deplored that the Maori cultivations were sometimes so secluded that it was hard to find them. The persecuted farmers asked him to go to Parihaka and talk to Te Whiti; but Parris and Roberts did not think it becoming for them to do so.]

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P.S.—A mail arrived from New Zealand in December, 1882, with an account of the offers made in November by the Government to Tawhiao.

They were adapted for any one willing to be led into temptation. Nevertheless they were declined. In the first place Tawhiao was presented with a Free Pass for life on the New Zealand Railways. After a few days Mr. Bryce formulated his proposals, viz. :—To restore, within the confiscated area, west of the Waipa river, land (estimated by the 'New Zealand Herald' (6 Nov.) as more than 100,000 acres); to give him a piece of land at Kaipara, and press the Ngatimaniapoto tribe to give him a portion of their lands; to build a house for him, and give him a pension of £400 a year; to make him an Assessor of the Resident Magistrate's Court, a Justice of the Peace, and a member of the Legislative Council. All the propositions were to be taken or rejected "as a whole." Tawhiao intimated that he approved of the restoration of land to his people and of a gift of land at Kaipara, but that the pension and personal distinctions and the abandonment of his Maori "mana" must be decided upon by the chiefs and people. After two days' consideration, Bryce demanded a clearer reply. Tawhiao consulted with Wahanui, who deprecated haste. Mr. Bryce told him that delays were dangerous, and that Wahanui could not stay the tide. Wahanui replied that God would help him. "God fixed the place for the tide, and it cannot go beyond it. For man also his place has been appointed, nor can he pass beyond it."

There was more discussion. Wahanui said Bryce's words were angry. Bryce retorted that he was sorry, not angry, and asked Tawhiao for "any further reply." Tawhiao, true to his Witenagemote, answered, "Wahanui has taken it out of my hands. It rests with him." Bryce departed. No use seems to have been made of the Amnesty Act by him. It was understood that Rewi, the old high-born leader of the Ngatimaniapoto, would assist his tribesman Wahanui, and that Te Ngakau and other counsellors mentioned in this work, were associated with them.



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THE END.



## ERRATA.

- Vol I., p. 32, note 1, "Archbishop," *should be* "Archdeacon."
- " " 37, "Bidwell," *should be* "Bidwill," *bis*, and at 209, 210.
- " " 55, line 8, *should be* "from the thirty-fourth to the forty-seventh parallel of South Latitude."
- " " 64, "September 1642," *should be* "December 1642."
- " " 183, line 21, "nephew," *should be* "son."
- " " 218, line 29. *Note*.—Governor Hobson reported that Mr. Maning was one of those who dissuaded the Maoris at Hokianga. Since the publication of the text I have seen Mr. Maning and heard from him, that he did not so dissuade the Maoris, and that Hobson wrote him a letter acknowledging that he had been misinformed upon the point. Hobson's state of health, and the shock of paralysis he sustained a few days afterwards may perhaps account for his not having publicly withdrawn the imputation in his despatch. Mr. Maning's denial, however, is complete, and I regret that it was not known to me when I quoted Hobson's uncontradicted despatch. As Mr. Maning is the highest authority on questions of Maori lore, and as the seizure of land at the Waitara by Governor Browne in 1860 was an all-important fact in the history of New Zealand, Mr. Maning's words on the subject (in a letter to me 30th April, 1883) must be quoted: "I cannot help writing to say that I admire your short and correct description of the tenure of the land by the Maoris, amongst themselves, given in pages 18 and 32, Vol. I. The Ariki was trustee for the whole tribe, and had the right of veto on any alienation, which was exercised at Waitara unsuccessfully by Wi Kingi Te Rangitaake."
- In the same letter Mr. Maning mentions that the judgments delivered by the Native Land Court in the Rangitikei-Manawatu case (Vol. I., pp. 49—53, Vol. II., pp. 438—445) and in the Aroha case (Vol. I., pp. 33 and 135—7) were entirely written and delivered by himself.
- Of the latter he adds that "nothing but strict Maori usage and custom is its foundation."
- Vol. II., p. 363, line 27, *omit* "he was translated to the War Office and."
- Vol. III., p. 445, line 16, *omit* "a rupture between," and *insert* "the tender of their resignations by."
- " " " " 17, *omit* "who," and *insert* "which."
- " " " " 17, *omit* "having tendered their resignations."
- " " 450, *omit all words after* "authentic statements" *at end of note.*

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